

Ditton
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21 March 2016

TM/16/00955/FL

Proposal:

1. An extension and refurbishment to the existing clubhouse building to provide for a higher standard of social and function space and 2 teaching rooms. 2. An extension and refurbishment of the existing squash and gym building to provide a further 3 squash courts and wet and dry changing rooms as well and a gym space and dance studio. 3. A new build changing room block to provide changing facilities for 4 teams and associated officials. As well as spectator toilets and a kitchen space with serving hatch. 4. Provision of 2 3G pitches on the existing sports field

Location:

Cobdown Sports And Social Club Station Road Ditton
Aylesford Kent ME20 6AU

Applicant:

Marpaul Southern Limited

1. Description:

1.1 Planning permission is sought to undertake various works to upgrade the facilities at the Cobdown sports ground. To summarise, the works include the following:

- Extension to and refurbishment of the existing clubhouse building to provide for improved internal spaces comprising a reception area, entrance lobby, office, wc facilities, a sports bar and function room, 2 no. classrooms, a first floor viewing terrace looking towards the pitches, a snooker room, restaurant and a private dining area;
- New sports facility containing 4 no. squash courts and 1 exhibition squash court, 10 changing rooms, changing rooms for officials, a fitness suite, a dance studio, DDA compliant WC/shower and training facilities and office and storage space;
- Provision of 2no. 3G fenced pitches on the existing sports fields comprising a floodlit 3G hockey pitch, a floodlit 3G football pitch with small stand and a grass football pitch;
- Additional parking area to provide 55 car parking spaces.

1.2 This application was originally intended to be reported to APC3 on 02 June but was withdrawn from the agenda by officers in order to allow the applicant to complete ecological surveys and submit the results of those surveys. These have now been received and have been the subject of further consultation.

1.3 Since the previous agenda was published, the applicant has taken the opportunity to submit a green travel plan and detailed comments have also been received

from Sport England and the Environment Agency. These are discussed in detail in the assessment that follows.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Cannon.

3. The Site:

3.1 The site is located between the A20 and M20 and to the west of Station Road. It is located within the urban confines of Ditton and adjacent to the Cobdown Farm Conservation Area.

3.2 The area is designated as open space in the LDF. The land is currently laid to grass with a number of mature trees dotted around the area. The area is visible from London Road and Station Road and slopes gently down from the A20 in the south to the M20 in the north. The land is open with views over towards the north downs.

3.3 The site has a number of buildings on it related to the use including the clubhouse, squash and gym building and a number of storage buildings. Access is also gained through the site to the business premises at Cobdown House and also to the residential units at Sheldon Court.

4. Planning History (relevant):

TM/01/02145/FL Grant With Conditions 15 October 2001

Erection of open fronted bowls shelter

TM/02/01366/LDCP Certifies 30 July 2002

Lawful Development Certificate Proposed: Metal container to be sited in secure compound

TM/90/10354/FUL grant with conditions 31 July 1990

Erection of building to provide 2 Squash Courts, Weight Training Room and Changing Rooms.

TM/90/10995/FUL grant with conditions 8 March 1990

Conversion of redundant toilets to offices and siting of a portakabin for a temporary period while the conversion works are carried out.

TM/94/00361/FL grant with conditions 23 June 1994

Erection of indoor rifle and pistol shooting range

TM/94/00362/FL refuse 24 July 1995

Erection of 8 x 18 foot high floodlighting posts with associated lights to five-a-side football pitch

TM/95/50759/FL Refuse 20 October 1995

erection of bowls pavilion to provide changing facilities

TM/95/50760/FL Grant With Conditions 17 August 1995

erection of two portable buildings

TM/96/00453/FL Grant With Conditions 24 May 1996

erection of croquet/bowls pavilion

TM/97/00120/FL Grant With Conditions 17 March 1997

construction of two croquet lawns

TM/98/00709/FL Grant With Conditions 28 May 1998

alterations and extension

TM/98/01219/RD Grant 16 November 1998

details of external painting/staining submitted pursuant to condition 4 of TM/96/00453/FL: erection of croquet/bowls pavilion

5. Consultees:

5.1 PC: Original Comments: Wants longer to consider all the application entails, to include specific tree works, public rights of way, floodlights height, shading, details and times; fencing and the outcome of the FRA. Contrary to the application statement, a traffic assessment is very much needed on the impact a busier site will have on an already congested A20 as well as lack of pedestrian pavement leading to the site.

5.1.1 Additional Comments: Objections for the following reasons:

- Reports do not fully answer the comments made by the PC previously (traffic congestion and also a lack of pedestrian pavement leading to the site);
- Neighbours still have questions to be answered, especially floodlight detail;
- Flood plain issues.

5.2 KCC (H+T): No objections subject to conditions.

5.3 Sport England (response summarised):

5.3.1 It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

5.3.2 Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy.

5.3.3 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

5.3.4 The proposed development involves the provision of two 3G artificial grass pitches, extension and refurbishment to the existing clubhouse building, extension and refurbishment of the existing squash and gym building, a new build changing room block and additional car parking spaces.

5.3.5 The proposed developments would appear to be predominantly sited on existing areas of playing field.

5.3.6 As the development is for the provision of indoor and outdoor sports facilities and the provision of which would be of sufficient benefit to the development of sport, the proposal is considered to meet exception E5 of the above policy.

5.3.7 As part of the consultation on this planning application Sport England consulted The FA and the Kent FA who confirmed the following:

- Cobdown Sports and Social club is currently a key site for football within Tonbridge and Malling, with its pitches and facilities being used by a large number of local football clubs;
- The FA 3G Mapping tool indicates that there is demand for an additional 5 Full Size 3G FTP's across the Tonbridge & Malling Borough, and the proposed development of a stadia 3G does in some way address some of this need. Naturally a 3G stadia pitch at the site will increase the capacity for local teams to complete fixtures, which in turn will assist the Kent FA to ensure that participation levels are sustained. In addition to this the proposed new facilities will also support local clubs in growing their teams and increasing participation across all formats of football;

The FA and Kent FA support the proposal with recommendations concerning specifications and standards to be met.

5.3.8 As part of the consultation on this planning application Sport England also consulted England Squash who confirmed the following:

- The plans to build 5 courts will have a significant positive impact on participation with the added benefit of squash being included in a high profile multi-sport project that is already well connected to the local community and gathering momentum all the time.
- We have held discussions with local schools and colleges who are very keen to use the squash courts and are excited about the added benefit that squash could offer those pupils not engaged in more traditional sports. The County Squash Association and the Regional Forum are also supportive of the project and will use it for a host of county and regional coaching and competitions as well as a base for coaching courses and workshops.
- The all glass court offers a unique opportunity to host inspirational events featuring the world's best players, completing the participation cycle from grassroots to elite and offering players of all abilities the opportunity to gain a deeper involvement in the sport by spectating or volunteering at the major events.
- This is a unique project and one that will have a huge impact on squash participation in the local area and across the South East.
- Comparison data of other local authorities with that of Tonbridge (host LA) & Maidstone (neighbouring LA) evidences the demand for such a squash facility. The other localities with similar population size have all got significantly more courts further identifying the need for this facility.
- England Squash are supportive of the project.

5.3.9 Furthermore, Sport England also consulted England Hockey who confirmed the following:

- Cobdown HC are currently based at the site with use of the social facilities only. There is no AGP for hockey so the club use pitches outside of the borough, and have done for many years.
- Club growth for CHC has been difficult due to their inability to engage with the local community as they have no pitch access within the borough. The club have sought to provide opportunities by using indoor facilities but this limits the type of hockey that can be played. Junior growth is particularly difficult as the club are only able to offer limited opportunities and find having no pitch within the borough particularly difficult to engage with local schools. The club are

keen to be fully based at Cobdown Sport and Social, so that they can train and play matches on site. They are also keen to develop and expand their junior section and having a local pitch would enable them to do this much more effectively. In addition it would also support their senior membership growth and retention;

- England Hockey have been involved with this project for some time and been supportive of it based on the inclusion of a hockey AGP, which has been included in our strategic plan.
- The applicant has now confirmed that the hockey pitch is proposed to be a sand filled/sand dressed synthetic grass facility, and would measure 101.4m x 63m. On that basis EH are happy to support this proposal.

5.3.10 This being the case, Sport England does not wish to raise an objection to this application, subject to the following condition(s) being attached to the decision notice (if the Council are minded to approve the application):

“Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitches, clubhouse building, squash and gym building and changing room block and remaining playing field and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review [, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facility]. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.”

And:

“Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facilities including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. [For Artificial Grass Pitches add measures to ensure the replacement of the Artificial Grass Pitch within a specified period.] The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the [named sports facility].

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.”

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

- 5.3.11 Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.
- 5.3.12 If your Authority decides not to attach the above condition(s), Sport England would wish to maintain/lodge a statutory objection to this application.
- 5.3.13 Should your Authority be minded to approve this application without the above condition(s), then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and National Planning Policy Guidance, the application should be referred to the National Planning Casework Unit.
- 5.3.14 Sport England would recommend that the detailed design of the proposed sports facilities accords with Sport England's relevant design guidance in order to ensure that the facility is fit for purpose and of an appropriate quality. The guidance is available to view on Sport England's website at <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>. The above comments made by The FA should be resolved as appropriate.
- 5.3.15 The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.
- 5.4 PROW: No objection subject to the PROW being diverted through the Town and Country Planning Act away from the proposed car park.
- 5.5 LLFA: No objection subject to conditions for a provision and implementation of a SUDS scheme and no surface water discharge into the groundwater.
- 5.6 EA: Original Comments:
- 5.6.1 Object – Flood risk – insufficient evidence to ensure that flood risk impacts have been taken into account and mitigated against. Also object as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.
- 5.6.2 Groundwater and contaminated land – The site is underlain by a principal aquifer and is located within a Source Protection Zone 1 for groundwater abstractions to the north. The area is therefore in a very sensitive location from a groundwater protection point of view. We object to the proposed development on grounds of insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

Additional Comments (on receipt of amended FRA):

5.6.3 Maintains overall objection as original groundwater and contaminated land objection as detailed in our original response have yet to be addressed or resolved. We await the submission of a preliminary risk assessment for our consideration.

5.6.4 Flood Risk: We acknowledge that the updated FRA and associated appendices have now assessed the impacts of fluvial flooding from the Ditton and Malling Stream on the proposed development. However, we do not agree with conclusion 6.1 which states that the proposed development is not at risk of fluvial flooding due to local flood defence features and work underway to prevent the repeat of recent flooding. We are not aware of any formal flood defences at this location, as the site forms part of the natural floodplain. Also, flood risk cannot be reasonably prevented. Flood risk can only be reduced at this location through improving the maintenance and conveyance of flow through the culverts under the M20.

5.6.5 Even with the works that have been carried out on the culvert to reduce flood risk, it is likely that this site will remain highly vulnerable to flooding in the future.

5.6.6 Overall, having assessed the vulnerability of the development, we would recommend that the proposed development would only meet the NPPF policy to not increase flood risk if the following planning condition is included.

The development hereby permitted shall not be commenced until such time as a scheme to ensure that flood risk is not increased elsewhere has been submitted to and approved by the LPA. This needs to be demonstrated in the following ways:

- Site levels for the proposed sports pitches should be set no higher than the lowest point of the ground where they are proposed;
- The requirement for compensatory flood storage should be kept to a minimum in the overall site design. The creation of spectator bunds and extension of building footprints should be kept to an absolute minimum;
- Where compensatory flood storage is required to offset any minor land raising/bunds, this should be direct or 'level to level flood' compensation.

Additional Comments (on receipt of additional reports):

5.6.7 We have reviewed the Phase I and II reports produced by Soils Limited, dated June 2016 (refs: 15601/DS and 15601/GIR). The reported actions and analysis of risks and liabilities detailed in the submitted reports are agreed in principle as being in accordance with the relevant guidance and good practice.

5.6.8 We consider that planning permission could be granted for the proposed development as submitted if the following conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition: "If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the National Planning Policy Framework."

5.6.9 National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition: "No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of controlled waters and comply with the NPPF."

5.6.10 Infiltration through land contamination has the potential to impact on groundwater quality. To satisfy this condition, we would require the submission of acceptable detailed drainage drawings for the area within the planning application boundary (including existing drainage where this is to be retained). Information should also be submitted about the design and construction of the infiltration methods (such as soakaways) to be used. Please see the informative below regarding infiltration drainage.

Informatives:

"The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- *Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.*

- *No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.*
- *There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.*
- *A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.”*

“Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- *Duty of Care Regulations 1991;*
- *Hazardous Waste (England and Wales) Regulations 2005;*
- *Environmental Permitting (England and Wales) Regulations 2010;*
- *The Waste (England and Wales) Regulations 2011”*

“Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.”

“If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.”

5.7 NE: Original Comments: Aware of the presence of bats present of the site. LPAs should be guided by standing advice.

5.7.1 Additional Comments (on receipt of ecological surveys): NE has previously commented on this proposal and made comments to the Authority. The advice provided in our previous response applies equally although we made no objection to the original proposal. The amendments to the application are unlikely to have significantly different impacts on the natural environment.

5.8 KWT: Original Comments: Object on the grounds that the 3G pitch and floodlighting would be too close to the stream impacting on bats that forage in the area.

Additional Comments (on receipt of ecological surveys):

5.8.1 Two floodlit 3G pitches are to be laid immediately adjacent to the Ditton Stream along the northern boundary of the site. Streams and their banks provide habitats for a variety of species and are widely regarded as important wildlife corridors, particularly where they pass through our towns and villages. Streams can support valued and protected populations of insects, birds and animals including reptiles, breeding birds and bats. Many studies have revealed that floodlighting can have a significant ecological impact on wildlife, particularly roosting and foraging bats.

5.8.2 I applaud the applicant's decision to commission a professional ecological assessment of the implications of the proposed floodlighting scheme for the two pitches.

5.8.3 As part of the assessment, a bat activity survey was carried out. It reveals the importance of the Ditton Stream as a foraging/commuting route for five species of bats. The highest levels (of activity) were recorded between Count Points 2 and 4 along the Ditton Stream immediately adjacent to the proposed football pitch. The survey report confirms that the illuminated pitches represent a significant risk of disturbance to these bats.

5.8.4 The Ecological Appraisal report identifies a number of measures intended to mitigate this risk. Three principle measures are proposed. The slight realignment of the football pitch, the repositioning of two lighting columns at the one end of the hockey pitch and the introduction of mixed native species planting along the northern boundary.

5.8.5 Whilst I have no objection to any of these initiatives, I remain concerned about the cumulative level of illumination in such close proximity to the Ditton Stream. The new plantings will offer some screening however as the ecologist points out, they will also enhance the site for foraging and commuting bats. In these circumstances, I feel it is essential to provide a much greater buffer to the important wildlife corridor by moving both pitches to the south. I am encouraged to believe the applicant may be willing to do this having read the following in the Planning, Design and Access Statement (paragraph 1.2):

"Whilst this is the Club's preferred footprint, as the pitch could be positioned in various ways within the playing field footprint, if the planning process identifies alternative locations in the field, the project team has no objections in principle to considering moving the pitch as recommended assuming the same benefits to the Club can be achieved."

5.8.6 For these reasons, I object to the grant of planning permission to the location of the floodlit pitches in the location shown on the proposed plans.

5.9 Kent Bat Group: Original Comments: Object – planning permission should not be granted unless the applicant can provide an appropriate assessment of the potential impact of bats at the site, carried out by an appropriate professional and include a suitable mitigation/compensation strategy in order to prevent any detrimental impact to bats.

5.9.1 Additional Comments (on receipt of ecological surveys):

5.9.2 We welcome the fact that professional ecological surveys have now been carried out at this site, but would like to reiterate the comments already made by KWT.

5.9.3 The bat activity surveys have indicated that the Ditton Stream is the most significant feature for foraging bats, with up to five species recorded; we welcome the suggested mitigation proposals, but are also concerned that the light spillage from the floodlights will still have a significant negative impact on this important habitat. The design & access statement indicates (para 1.2) that there is scope to re-position the pitches within the playing field footprint, so we would like to see this fully explored, in order to minimise the impact on the existing habitat and also to maximise the benefit of the proposed enhancements (native mixed species planting), particularly with respect to foraging activity along the stream

5.9.4 Therefore, we also maintain our objection to this development, in its existing form

5.10 Kent FA: Fully support the proposal to turn the club into a modern sporting facility.

5.11 Friends of the Earth Tonbridge and Malling Branch: Object on the grounds of disturbance to wildlife habitat, loss of mature trees and the potential loss of flood storage areas.

5.11.1 No further comments received to date following submission of additional information/reports.

5.12 Private Reps 143 + site + press notice/0X/40R/11S

Objections raised on the following grounds:

- Misleading description and information in the application;
- No prior consultation with the local community which is unusual for such a major development;
- Application should be withdrawn and resubmitted following full consultation and consideration of the impact on the surrounding community;
- Removal of trees to the detriment of the CA;

- Cages surrounding pitches out of keeping;
- Floodlights unacceptable in a residential/Conservation Area;
- No lighting in the area at present which means that area currently unaffected by artificial light in the hours of darkness;
- Floodlights previously refused on the site on application TM/94/01629/FL;
- No hours of operation proposed for the pitches and floodlights – could potentially be used 24 hours a day 7 days a week for all but the A4 usage on the site leading to unacceptable noise and light disturbance to local residents;
- Hours of operation until 01:30 for the clubhouse unacceptable in residential area;
- Intensification of use would be out of character with the current verdant informal rural landscape;
- Ditton stream floods the area every autumn and winter so drainage to pitches will not work;
- 3G pitches expensive to maintain and should be left as grass;
- Other facilities available in the area so this one should be retained as a 'green lung';
- Contravenes policy SQ1 as would harm CA;
- Increased noise and disturbance;
- Development would be contrary to Article 8 and Article 1 of the European Convention on Human Rights and such rights have been upheld in the High Court;
- Design of clubhouse would lead to increased noise and disturbance;
- Unacceptable increase in traffic;
- No transport assessment submitted with the application;
- Increase in vehicle movements would result in an unacceptable increase in air pollution;
- Car park should be locked at night to prevent joyriders;
- Tree report makes no mention of birds and bats that rely on the trees for habitat;

- Only green space left on the north side of the A20 and should be retained as such;
- 3G pitches a health hazard;
- Hockey pitch too large;
- Too close to houses;
- Lights should be turned off by 9pm;
- Area used as a village green by local residents;
- Investigation is needed into the financial stability of the applicants and what the implications are for if/when the venture fails;
- Pitch should be closer to motorway;
- Fences should be lower;
- No use on the site after 9pm and none on Sundays;
- 3G pitches are being researched due to a possible link to cancer so should not be so close to a watercourse;
- Would lead to blockage of a public footpath;
- Flood report is flawed as it does not take into account the fact that if the site floods and the height of the drains would mean that the site would be covered in sewerage;
- Site of hockey pitch has been underwater for most of the winter;
- Lights should be positioned in such a way so as to not shine into surrounding houses;
- Building should be soundproofed to reduce the deep bass throb;
- No mention on how existing properties would be accessed during the construction works to raise the existing access road.

Letters of support summarised as follows:

- Consider scheme a great idea, bringing jobs to the area and also widening opportunities for a healthier lifestyle;
- Facilities for the local hockey club are not suitable at present as the national governing body requires matches to be played on artificial pitches;

- Should welcome the investment in modern facilities;
- Would safeguard area from residential development that would leave the site covered in houses;
- Modern technology would mean that light pollution would be greatly reduced;
- Not many open spaces left and owners want to retain Cobdown as a sports and social facility. Modern times and advances in sport has meant that the days of grass pitches are sadly dying out. To prevent the plans to develop the area as a multi sporting facility would eventually drive it into the hands of property developers and that the open space would be lost to hundreds of new homes;
- Development would add value to the area through community facilities and sporting opportunities for all.

6. Determining Issues:

Principle of development:

- 6.1 Policy CP11 of the TMBCS states that development will be concentrated within the urban area. Although this is a characteristically more open part of Ditton, it does fall within the urban confines meaning that the broad principle of new development within the site is acceptable in broad policy terms and the scheme therefore accords with the requirements of policy CP11.
- 6.2 The site is also allocated as an outdoor sports facility to be protected (policy OS1 of the MDE DPD). This policy seeks to protect a range of open spaces across the Borough including the outdoor sports facilities identified at Cobdown. The policy states that development that would result in the loss of or reduce the recreational value of this land will not be permitted unless a replacement site is provided of equal or better quality.
- 6.3 In more general terms, it is important to acknowledge that the NPPF provides support for the enhancement of existing sports and leisure facilities. Specifically, paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia):
- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- 6.4 In addition, paragraph 73 recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 adds that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.5 The rationale for the scheme is that the existing sports facilities within the site are inadequate. For example the Cobdown Hockey Club, who have been based at the site since the 1930's, are required by the England Hockey Board to have all their league games played on an all-weather surface. As no suitable facilities are available, nearby matches are being played at the Hundred of Hoo School near Rochester.
- 6.6 The proposed development seeks to improve the sports facilities at this site in general terms. The proposed built development would be located right on the periphery of the existing sports fields and would not result in the loss of useable sports pitches. It would not, therefore, result in the loss or reduction in the recreational value of the existing playing fields. By contrast, the development would actually increase the range of sports/recreation activities that the club can provide on both an outdoor and indoor basis for a greater proportion of the year. The current facilities are limited in scope as there is no provision for all weather pitches or floodlighting which restricts usability significantly. Consequently, I do not consider that the proposed development would conflict with the requirements of the NPPF and policy OS1 of the MDE DPD.
- 6.7 Sport England has now made detailed representations on the proposed development, which are reproduced at paragraphs 5.3 – 5.3.14 of this report. Subject to the imposition of conditions concerning community use of the proposed facilities and the maintenance and management of the pitches, Sport England does not object to the proposed development. Indeed, the commentary made indicates that the facilities proposed are seen to be making a valuable contribution to sport provision within the area.

Visual impact:

- 6.8 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ1 of the MDE DPD supports this and states that developments should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.9 More generally, the MDE DPD recognises that if not properly controlled, insensitive artificial lighting can cause harm to residential amenity, the built environment and the sky at night. Equally, good quality lighting can make a valuable contribution to the design, efficiency, ambience and sense of place of an area.
- 6.10 The application proposes the construction of two fenced and floodlit all weather sports pitches. The fencing is quite typical for fencing that surrounds pitches at facilities such as this. The hockey pitch is proposed to be sited to the east of the bowling greens to the west of the access to Cobdown House and Sheldon Court. The football pitch is proposed to be positioned on an east-west axis towards the centre of the site. The pitches are proposed to be fenced with steel mesh fencing varying in height from 1.2m to 4.5m for the football pitch and 3m high for the hockey pitch. It is considered that these enclosures, by virtue of their specific design and colour, would not detract from the openness of the site in general. The visual prominence of the fences would be reduced as they would blend into the landscape in views from London Road and Station Road.
- 6.11 Similarly, the floodlight pylons are slim line and would blend into the surroundings in general. These features would be seen in the context of existing sports pitches and buildings, being well contained within the extensive site and would be designed in such a way as to ensure light spill and glare would be limited. As such, they would not detract from the character of the locality or cause harm to visual amenity.
- 6.12 The extensions and new building on the site would have limited impact on the character of the site. The buildings are no higher than the existing buildings on the site and are proposed to be finished in similar materials. Their relatively low height and positioning towards the centre of the site restrict their impact in terms of views through the site from the surroundings.
- 6.13 The works would result in the removal of a number of trees. The majority of these trees are not protected and their loss in visual terms can be mitigated by appropriate replanting. Significant planting of new trees and shrubs can be secured by condition and in exercising this control there is a recognition that any planting will need to be of a size able to have an immediate visual effect.

Setting of the Conservation Area and nearby Listed Buildings:

- 6.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.15 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.16 It is acknowledged that the site is near to and visible from the Cobdown Farm Conservation Area. The fencing around the proposed hockey pitch would be approximately 45m from the boundary of the conservation area at the nearest point. It is not considered that the fencing and the proposed building works would significantly alter the views through and towards the Conservation Area given the relative heights of the structures proposed and the separation distances involved.
- 6.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting. The nearest listed buildings (Greenside Oast, Manor Oast and 578/580 London Road) are all located a significant distance from the development in question and as such there would be no impact to their setting arising from the proposals.

Residential amenity considerations:

- 6.18 It is proposed to install floodlighting to the two all-weather pitches. This lighting would be supported on 15m high columns. The lighting has been designed to illuminate the playing areas only with minimal spill outside of these areas.
- 6.19 The submitted lighting details show that the flood lights would concentrate the beams of light on the proposed pitches themselves with very little light spill. Given the distances between the proposed floodlights and the nearest residential properties (the nearest properties along London Road would be approximately 60m from the nearest floodlight, with those in Sheldon Court at least 75m away) I am satisfied that the proposal would not cause detriment to the amenity of local residents in terms of light pollution. The scheme as proposed would enable their usage to be controlled by condition and this is normally done through limiting the hours of operation.
- 6.20 I am also mindful that the applicant could choose to bring on mobile floodlights to the pitches when required and that this would not require any planning permission from the Authority and would not therefore be controllable by condition.

- 6.21 I am also aware of the previous refusal of illumination of the area of the proposed hockey pitch but this was 20 years ago and planning policy and technologies have moved on significantly since this time. Modern lighting is specifically designed to illuminate the playing area only. The design and nature of the lighting would minimise light spill and so would not be unduly harmful to the amenity of local residents. We must also now assess such schemes within a clear and definitive policy framework and against the backdrop of the NPPF which, as stated earlier, is generally supportive of facilities such as this.
- 6.22 It must be recognised that the improved facilities at the club will increase levels of activity and that must be assessed in terms of the potential for the nearest neighbours to be affected. Equally, it should be acknowledged that there are no restrictions currently in place on the hours the sports pitches can be used at present, albeit this would be naturally determined by daylight hours. The hours of illumination of the all-weather pitches can be controlled by condition. Normally illumination in such a location would be limited to 22:00.
- 6.23 There is, of course, the potential for noise and disturbance to arise as a result of people using the pitches in a more intensive manner than might historically have been the case as a result of these proposals. However, this must be balanced against the fact that there are existing pitches on the site, and as there are no controls in place for the numbers of users or the hours of operation, it is considered that the noise from players could not form a justifiable reason for refusal. The fencing around the pitches is designed to have rubber vibration dampers in its structure so that its resonance is reduced if hit. The separation distances to surrounding properties (a minimum of 60m in the case of the hockey pitch and at least 125m in the case of the football pitch) would further reduce the potential disturbance.
- 6.24 In terms of activities associated with the club house itself and the potential implications for noise and disturbance to arise, its specific siting means that the building is at its closest point 35m from the nearest dwelling. In order to limit the potential for noise and disturbance arising from the use of the clubhouse for events/functions, the building should be insulated against the emission of sound. This can be controlled through appropriate planning condition.
- 6.25 A condition could also be imposed restricting the hours of use of the clubhouse itself. This is set out in the recommendation that follows and the hours stipulated directly reflect the hours set out in the premises license for the club.

Air quality, traffic generation, parking provision and access arrangements:

- 6.26 The issue of air quality has been raised due to the potential impact on the AQMAs along the A20 corridor. It is considered though that the development would not add to pollution as the peak usage times of the site would not correspond with the morning and evening peak traffic times. The nature of the development is such though that it is considered appropriate for a condition requiring the applicants to

submit a travel plan to be attached to any consent so that alternative means of transport other than the private car can be used by visitors.

- 6.27 The submitted Transport Statement states that the application is fundamentally to refurbish and enhance the existing sports facilities and social function facilities at the site. For this reason it is not considered necessary to undertake full trip generation analysis and a traffic impact assessment. Additional parking spaces are proposed to the north-east of the existing access which will assist with parking pressures at times of special events and functions, limiting the need for roadside parking along Station Road. Although such an arrangement would have the potential to increase movements to and from the site it is considered that the access has the capacity to accommodate this. On-site traffic management would also assist with this and the applicant is proposing yellow box markings to ensure that the routes from the access to the parking areas are kept clear of queuing traffic to stop unnecessary build ups of traffic on Station Road that could potentially cause a traffic hazard. This would be a matter for the applicant and KCC to agree on directly rather than something that could be secured through this development.
- 6.28 The applicant has taken the opportunity to submit a Travel Plan (prepared by Peter Brett Associates) which details a number of actions that could be put in place to encourage visitors to the club to utilise sustainable modes of transport. Travel Plans are specifically encouraged in the NPPF (paragraph 36) and the suggested actions contained within the document can be secured by way of planning condition.
- 6.29 An additional 55 car parking spaces are proposed on-site as part of the overall development which is welcomed given that the enhanced facilities will attract a greater number of visitors. Concerns have been raised by local residents to the misuse of the car parks at night and the impact of noise and disturbance on the residential amenity of the surroundings. The site cannot be fully closed off due to the rights of access to Cobdown House and Sheldon Court that are gained through the park. The positioning of the new car park would mean that it could be gated though and details could be sought by condition.
- 6.30 There is a public footpath that runs across the site. Concerns have been raised regarding the works resulting in the closure of this path; however there are no plans for this to occur and the applicant is aware of the need to seek the appropriate consents for any temporary diversions or closures that may be required during construction works. The applicant can be made aware of this by way of Informative but I would stress that this cannot be a matter upon which to resist the planning application.

Flooding:

- 6.31 The site is located within Flood Zone 3 and is acknowledged that there have been numerous historic instances of flooding on the site.
- 6.32 During the course of the application, a revised FRA has been submitted in order to overcome the original objection lodged by the EA. That document served to remove the objection on grounds of flood risk, and the EA are seeking a condition be imposed on any permission granted with a view to controlling this matter. The condition suggested by the EA needs to be subject to some minor amendments (reflected in the recommendation that follows) to ensure it meets the necessary tests but such amendments do not diminish the intent behind the condition or the control afforded by it in any way.
- 6.33 Furthermore, the applicant has sought to overcome the further objections of the EA in respect of matters relating to groundwater contamination by submitting additional reports addressing this specifically. As a consequence, the EA has removed its previously held objection to the proposal on this basis and again recommends a condition and series of informatives be imposed on any planning permission granted.

Wildlife and ecology considerations:

- 6.34 Paragraph 118 of the NPPF states that when determining planning applications, LPAs should aim to conserve and enhance biodiversity by ensuring that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Furthermore, policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. A list of species of principal importance included in the England Biodiversity List published by the Secretary of State under Section 41 of the Natural Environment and Rural Communities Act 2006 includes a number of bat species and as such particular regard must be given to these policies.
- 6.35 Some trees are to be removed and floodlights are to be installed which means that potential implications for bats as a protected species must be considered. Bats and their roosts are protected by UK and European Law.
- 6.36 Ecological surveys have now been submitted by the applicant in order to address these matters, in the form of the following which will be discussed in turn:

Preliminary ecological appraisal prepared by “LaDellWood” dated June 2016:

- 6.37 This appraisal concluded that dusk emergence and dawn re-entry surveys should take place in order to fully assess the status of roosting bats within the buildings and trees at the site. It also recommended that bat activity surveys be undertaken to establish levels and location of bat activity on the site. These recommendations

for further survey work were followed up by the applicant and are discussed in more detail later on in my report.

6.38 Overall, the appraisal concluded that:

“The site in general is considered of low ecological value with internal habitats comprising of common and widespread habitat types. The greatest ecological value is found within the boundary habitats and will be retained and enhanced with native species planting.....Recommendations given for further survey work will fully assess if and how the highlighted protected species utilise habitats at the site. The surveys will advise appropriate mitigation or compensation strategies at the site ensuring the proposals have minimal impact upon protected species.”

6.39 The appraisal made recommendations for mitigation and/or enhancements regarding habitats, badgers, breeding birds, stag beetle and western European hedgehog at the site. These are summarised as follows and can be adequately addressed by planning condition.

- Any tree removal required should therefore be mitigated through the planting of new native tree species. All trees to be retained should be suitably protected;
- New planting to be established within the site increasing the value of habitats on the site, to encourage diversity and provide enhanced foraging opportunities for bats. This should include a diverse mixture of native trees and shrubs;
- Development of a construction methodology to ensure suitable protection is afforded to badgers during excavations;
- Erection of a total of 6 bird boxes within the site to mitigate loss of suitable habitats;
- Erection of 5 bat roost boxes within retained trees at the site;
- Installation of log pile refugia within retained boundary habitats to increase the value of the site for hedgehogs.

Bat Activity Surveys prepared by “LaDellWood” dated June 2016:

6.40 This report sets out that a total of three walked bat activity transect surveys were undertaken at the site to identify key areas of the site used by foraging and commuting bats during May and June 2016.

6.41 The surveys confirmed low to moderate levels of foraging and commuting bat activity at the site with 5 species recorded at the site. Mitigation measures have been recommended within the report concerning foraging and commuting and roosting bats at the site.

- 6.42 It is acknowledged that the northern boundary of the site offers the greatest value to bats as a linear foraging and commuting feature with moderate levels of bat activity recorded along this boundary. The report states that the proposed floodlighting has been designed to minimise light spill impacts to the northern boundary through the repositioning of the pitches and lighting columns and the installation of lighting cowls and UV filters.
- 6.43 Additionally, there is a suggestion that additional native planting will provide opportunities for enhancements along this boundary, creating a vegetative light barrier and reducing light spill.

Bat Emergence and Dawn Re-Entry Surveys prepared by “LaDellWood” dated June 2016:

- 6.44 This report states that where possible all trees identified with habitat value for roosting bats should be retained. However to mitigate the loss of Tree 22 and Tree 10 that offer potential bat roosting habitat it is recommended that 6 bat boxes be erected within retained boundary trees that will offer roosting locations for bats and increase roosting opportunities within the site. The bat boxes should be erected under the supervision of suitably qualified and experienced ecologist and positioned in dark locations away from any possible light spill effects. The precise position of these boxes can be secured by planning condition.
- 6.45 The report concludes that:
- “The removal of highlighted trees within the site will have no significant impact upon roosting bats and the erection of bat boxes in retained boundary trees will provide enhanced roosting opportunities at the site. The dusk emergence surveys did not record bats roosting within the building and therefore no mitigation is required regarding the buildings on site. The proposed mitigation will ensure the favourable conservation status of roosting bats is maintained and enhanced at the site during and after the proposed works at the site.”*
- 6.46 I am mindful that, despite the submission of these survey reports and the detailed mitigation measures put forward, both KWT and the Kent Bat Group have maintained their objections to the proposed development given the proposed proximity of the floodlit pitches to the Ditton Stream. They both suggest that the objections could be removed in the event that the applicant relocate the pitches in question further south within the site and make reference to a paragraph within the applicant’s own Planning, Design and Access Statement which suggestion relocation might be possible should it be considered necessary to make the development acceptable in planning terms.
- 6.47 The surveys and reports in question were commissioned in order to fully establish the ecological value of the site, particularly to establish the levels and location of bat activity across the site, with a view to advising on appropriate mitigation measures where deemed necessary. The reports provide a sound basis and clear

recommendations on which to formulate robust planning conditions controlling the development, both during and post construction.

6.48 In this regard, it is important to have regard to the NPPG which states that:

“When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.”

6.49 With this in mind, had mitigation measures not been identified as being suitable or achievable here, it would be entirely legitimate to seek to negotiate with the applicant to relocate the pitches further away from the Ditton Stream. Where it is clear from the surveys that mitigation measures can suitably address the impact, as is the case here, it would be wholly unreasonable of the LPA to seek amendments to the scheme on this basis.

Overall Conclusions:

6.50 In light of the above assessment, I consider that this scheme represents a significant enhancement of the existing sports provision at a valued sports facility within the Borough. The proposals wholly accord with the requirements of the NPPF and the LDF and any potential impacts can be successfully mitigated by planning condition. As such, the following recommendation is put forward:

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning, Design And Access Statement dated 21.03.2016, Supporting Information COBDOWN HOCKEY CLUB dated 21.03.2016, Transport Statement dated 21.03.2016, Tree Report TREE SURVEY dated 21.03.2016, Letter FLOOD RISK ASSESSMENT dated 23.03.2016, Existing Site Plan 21346C_02_P2 dated 21.03.2016, Existing Site Plan 21346C_03_P2 dated 21.03.2016, Existing Plans and Elevations 21346C_10_P2 dated 21.03.2016, Existing Plans and Elevations 21346C_11_P2 dated 21.03.2016, Site Plan 21346C_20_P2 dated 21.03.2016, Site Plan 21346C_21_P2 dated 21.03.2016, Proposed Floor Plans 21346C_25_P2 dated 21.03.2016, Proposed Elevations 21346C_26_P2 dated 21.03.2016, Proposed Floor Plans 21346C_27_P2 dated 21.03.2016, Proposed Elevations 21346C_28_P2 dated 21.03.2016, Proposed Plans and Elevations 21346C_29_P2 dated 21.03.2016, Landscape Layout 2405/16/B/3 dated 21.03.2016, Lighting HLS01587 dated 21.03.2016, Plan NSCSSC004 dated 21.03.2016, Proposed Plans and Elevations NSCSSC005 dated 21.03.2016, Cross Section NSCSSC006 dated 21.03.2016, Drainage

Layout NSCSSC007 dated 21.03.2016, Planning Layout NSCSSC008 dated 21.03.2016, Planning Layout NSCSSC009 dated 21.03.2016, Cross Section NSCSSC010 dated 21.03.2016, Location Plan 21346C_01_P2 dated 21.03.2016, Planning, Design And Access Statement 3G PITCH dated 14.04.2016, Email dated 04.04.2016, Drawing 15M LIGHTING MAST dated 04.04.2016, Elevations NSCSSC005 B dated 04.04.2016, Details FLOODLIGHT DETAILS dated 04.04.2016, subject to the following conditions:

Conditions:

Phasing and timescales:

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

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

Quality of built development:

- 2 All materials used externally in the construction of the clubhouse extension hereby approved shall accord with the approved details shown on plan number 21346C_26 P2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 3 All materials used externally in the construction of the squash building hereby approved shall accord with the approved details shown on plan number 21346C_28 P2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 4 All materials used externally in the construction of the changing room building hereby approved shall accord with the approved details shown on plan number 21346C_29 P2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 5 The buildings hereby approved shall be constructed at the levels indicated on the approved drawings.

Reason: In the interests of visual amenity.

- 6 The spectator stand hereby approved shall be constructed in strict accordance with the details shown on plan number NSCSSC 005b unless otherwise agreed in writing by the Local Planning Authority. The existing spectator stand shown on plan number 21346C_03 P2 shall be removed in its entirety from the site prior to the construction of the new stand hereby approved.

Reason: In the interests of visual and residential amenity.

- 7 The pitches hereby approved shall be illuminated in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 8 The pitches hereby approved shall be fenced in strict accordance with the approved details shown on plan numbers NSCSSC 004, 005b, 006 and 009 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

Ecology and landscaping:

- 9 The development shall be carried out in such a manner as to ensure the protection of species during all excavation work by adhering to the measures detailed in the Preliminary Ecological Appraisal prepared by "LaDellWood" dated June 2016. Any deviation from the measures prescribed by the approved report must first be agreed in writing by the Local Planning Authority.

Reason: In the interests of preservation of ecological features across the site.

- 10 Within one month of the commencement of the development hereby approved, a scheme shall be submitted to the Local Planning Authority for approval detailing how the mitigation measures set out within the Preliminary Ecological Appraisal, the Bat Surveys and the Bat Emergence and Dawn Re-Entry Survey shall be implemented. The scheme, as a minimum, shall include the following details:

- The location of no less than 6 bird boxes within the site to mitigate loss of suitable habitats, including a methodology and timeframe for their installation;
- The location of no less than 5 bat roost boxes within retained trees at the site, including a methodology and timeframe for their installation having regard to the fact that the bat boxes should be erected under the supervision of suitably qualified and experienced ecologist and positioned in dark locations;

- The location of a log pile refugia within the boundary of the site, including a methodology and timeframe for its installation;
- A scheme for additional planting along the northern boundary of the site along the Ditton Stream which shall include full details of the size, position and species of all planting;
- Measures to ensure the maintenance and ongoing retention of all mitigation measures.

The measures approved shall be maintained and retained at all times thereafter in accordance with the approved details

Reason: In the interests of preservation and enhancement of ecological features across the site.

- 11 Within one month of the commencement of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to the Local Planning Authority for approval. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

- 12 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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.

- 13 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.

Restrictions on use and activity:

- 14 The use of the development hereby approved shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitches, clubhouse building, squash and gym building and changing room block and remaining playing field and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review [and any other aspects which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facility]. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

- 15 Prior to the use of the Artificial Grass Pitch, a Management and Maintenance Scheme for the facilities including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The details shall include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use hereby approved.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

- 16 The car parking area hereby approved shall not be brought into use until measures to secure its closure when the premises are not being used are submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented before the clubhouse extension and all weather pitches are brought into use and shall be retained at all times thereafter.

Reason: In the interests of residential amenity

- 17 The lighting hereby approved shall be used only when the pitches are in use and then only between the hours of 15.30 and 22.00, and, apart from maintenance, shall remain switched off at all other times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity

- 18 The clubhouse shall only be used between the hours of 06:30 and 01:30 Monday to Friday, 06:30 and 01:30, Saturdays and 09:00 and 01:30, Sundays, Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 19 The extension to the clubhouse hereby approved shall not be occupied or used until full details of a mitigation scheme to deal with noise outbreak from the social area has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to occupation and shall be retained at all times thereafter unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of residential amenity.

Flooding, drainage and contaminated land:

- 20 The development hereby permitted shall not be commenced until such time as a scheme to ensure that flood risk is not increased has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: To ensure the development does not increase flood risk elsewhere.

- 21 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from

the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

- 22 No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

- 23 Within one month of the commencement of the built development identified on plan number 21346C_03 P2 hereby approved, a scheme of foul and surface water drainage shall be submitted to the Local Planning Authority for approval and the facilities shall not be brought into use until the works have been carried out in accordance with the approved details.

Reason: In the interests of pollution prevention.

- 24 The pitches hereby approved shall be constructed in full accordance with the drainage details detailed on plan number NSCSSC007 and maintained in accordance with those details at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

In the interests of pollution prevention.

Parking and highway safety:

- 25 The actions set down in the Travel Plan prepared by Peter Brett Associates (Project Reference 37741/5502, dated June 2016) shall be implemented by the developer and thereafter retained in operation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To assist in the reduction of traffic movements to and from the site.

- 26 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it 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 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the 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 hazardous on-street parking.

- 27 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it 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 2015 (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 this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

Informatives:

- 1 With regard to the diversion of the footpath/bridleway, the applicant must contact Mr P Royall, Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872829.
- 2 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmhc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
- 3 The applicant is advised that if there are works taking place within 8m from a main river watercourse, a Flood Risk activity permit may be required. More information can be found at www.gov.uk/guidance/flood-risk-activities-environmental-permits
- 4 The applicant is reminded that that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from the Natural England, Temple Quay House, 2 The Square, Bristol, BS1 6EB.

- 5 In connection with the details to be submitted in accordance with Condition 20, the applicant is advised that the following should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods;
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated;
 - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table;
 - A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- 6 The applicant is reminded that contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991; Hazardous Waste (England and Wales) Regulations 2005; Environmental Permitting (England and Wales) Regulations 2010 and The Waste (England and Wales) Regulations 2011.
- 7 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- 8 If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
- 9 In seeking to satisfy the requirements of Condition 18, the applicant is advised of the following:

- Site levels for the proposed sports pitches should be set no higher than the lowest point of the ground where they are proposed;
- The requirement for compensatory flood storage should be kept to a minimum in the overall site design;
- The creation of spectator bunds and extension of building footprints should be kept to an absolute minimum;
- Where compensatory flood storage is required to offset any minor land raising/bunds, this should be direct or 'level to level flood' compensation.

In seeking to satisfy the requirements of Condition 11, the applicant should be aware that guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

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