

**East Malling &
Larkfield**
East Malling

22 November 2016

TM/16/03452/FL

Proposal: Variation of planning condition 8 of TM/11/00445/FL to change operating hours of the existing sports pavilion to 08:00 to 23:00 Mondays to Thursdays, 08:00 to 0:00 Fridays and Saturdays and 08:00 to 20:00 on Sundays and Bank Holidays

Location: The Sports Pavilion 200 Beacon Avenue Kings Hill West Malling Kent ME19 4QP

Applicant: Kings Hill Parish Council

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1. Description:

1.1 Planning permission was granted under TM/11/00445/FL in July 2011 for five grass pitches, changing facilities, car parking and access, plus artificial grass with associated lighting and fencing. Planning condition 8 of this permission states;

*“Neither the pavilion building nor the sports pitches shall be used or operated outside the hours of 08:00 to 22:30 Mondays to Fridays; 08:00 to 22:00 on Saturdays and 08:00 to 20:00 on Sundays or Public and Bank Holidays.
Reason: To protect the residential amenity.”*

1.2 The current application seeks to extend the operating hours of the sports pavilion: to operate for an extra half an hour on weekday evenings, until midnight on Friday and Saturday evenings, but with no alteration to the existing opening hours on Sundays or Public and Bank Holidays.

1.3 The application does not seek permission to alter the hours of usage of the sports pitches. The application does not include any physical works, access arrangements or change of use.

2. Reason for reporting to Committee:

2.1 Owing to the level of local objection.

3. The Site:

3.1 The site lies to the east of the Kings Hill settlement within land designated as open countryside. The site is accessed via Beacon Avenue. Residential dwellings are sited some 220m to the west.

3.2 The pavilion is a modern, purpose built building with associated car parking to the west. The building is detached, set within sports pitches. A public footpath crosses the site.

4. Planning History (relevant):

TM/11/00445/FL Approved 15 July 2011

Formation of five grass pitches, changing facilities, car parking and access plus artificial grass pitch with associated lighting and fencing

TM/16/01551/FL Application Withdrawn 4 August 2016

Variation of Planning Condition 8 of TM/11/00445/FL to change operating hours of the existing sports pavilion to 08:00 to 23:00 Mondays to Thursdays, 08:00 to 0:00 Fridays and Saturdays and 08:00 to 20:00 on Sundays and Bank Holidays

5. Consultees:

- 5.1 EM&L PC: Although the Pavilion is in East Malling Parish, the nearest residents are in Wateringbury and Teston and around the North Pole PH and residents in Kings Hill itself.

The Parish Council thinks that the problems of noise/disturbance may arise from people leaving the Pavilion at a later time and driving through the access road within Kings Hill.

The Parish Council is aware that some people using the sports pavilion do park in Teston Road and we are concerned that with extended hours this could be a problem.

We know that when permission was given condition 8 was imposed to protect local amenity and it would seem that these were considered to be appropriate hours at that time. We think that if this condition were to be varied there would need to be more evidence to show the condition could safely be changed.

If the Borough Council was minded to grant consent perhaps a temporary permission could be given for a year to review the situation and see if any problems arise.

We feel there should be a wider consultation about this proposal so nearby residents of Wateringbury and south in Wateringbury Road in this Parish are invited and site notices posted in Teston Road.

- 5.2 Teston PC: (Teston Parish lies within Maidstone Borough)

We have seen the response from East Malling & Larkfield Parish Council and we support their comments. We do not feel that the application has demonstrated why the conditions warrant changing and consider that to relax the conditions and extend the pavilion's opening hours would be detrimental to local residents.

The site is exposed and consequently we feel there is a real risk that local residents will be subjected to noise and disturbance from people and vehicles

leaving late at night. Residents in Wateringbury Road and Teston Road are likely to be the most affected, but also residents within Kings Hill as vehicles leave through the estate.

As we believed would be the case, vehicles do park in Teston Road and access the sports facilities via the footpath and therefore traffic is generated on the eastern side of the development (at a difficult junction), not just solely from within Kings Hill.

We note that the application is to extend the hours of use of the pavilion only, not the sports pitches. Therefore, whatever the decision, there should be no change to pitch floodlight operation although the lighting in the car park would inevitably be on for longer which may itself be disturbing for nearby residents. This could certainly be viewed as the 'thin edge of the wedge'.

We support the view that if you are tempted to grant permission this should be temporary for, say, 12 months, so that the effect of the changes can be monitored. However, our firm view is that we would wish this application to be refused.

5.3 Private Reps: 30 + site and press notice: 0X/42R/0S. The objections can be summarised as follows:

- Traffic – the increasing number of vehicles will have adverse effects on local residential amenity.
- Noise – the existing area is quiet, the noise associated with the increase in traffic will disrupt the neighbourhood with late departing traffic, the late night games can already be heard by local residents.
- Air quality - the increased quantity of traffic will have a detrimental impact on air quality.
- Parking – the increased traffic will exacerbate the existing parking problems. There is a lack of parking, people are parking on roundabouts and pavements causing obstruction and obstruction to driveways and pavement parking. This is hazardous. There is no enforcement of parking restrictions and speed limits on estate roads.
- Speeding and dangerous driving – those already using the sports park are dangerous drivers which is hazardous to other road users, residents and children.
- Inadequate access - Beacon Avenue is the only access and this is not suitable for the increase in traffic movements. An alternative access roadway from Wateringbury needs to be created.

(DPHEH: The application does not seek to make any alteration to the existing access or create an alternative access.)

- Anti-social behaviour – the extended hours will increase litter and other forms of anti-social behaviour. This will increase through the introduction of alcohol and longer opening hours. There will be a rise in criminal damage and cars playing loud music. The application is socially irresponsible and will encourage drinking and driving.
- Change of use - The sports park should just host sporting events, not social events. It is not a leisure or entertainment venue and there are other more suitable venues on Kings Hill. The application is just a sneaky change of use, an attempt to change the use of the sports park to a late night commercial venue. This would degrade the area both socially and environmentally. The events held over the summer were noisy and disruptive. If the sports park is financially non-viable there are many other uses which could be introduced like a dog walkers café, baby group, yoga class etc.
- Impact on wider area – the extended hours would have a detrimental impact on the existing landscape from increasing noise and activity, particularly to the woodland walks and nature reserves.
- There has been no change since the original planning condition was imposed to protect local amenity so no justification to change now.
- Lack of consultation, absence of formal notification, not sufficient time for consultation response.
- Application is contrary to the results of the survey carried out by the Parish Council where 81% of residents were against the proposal.
- The application will result in a decrease in house prices/values.

6. Determining Issues:

- 6.1 The application is made by Kings Hill Parish Council. The PC states that the extended hours of operation would be similar to other community facilities on Kings Hill and cite Kings Hill Golf Club, Kings Hill Cricket Club and Kings Hill Community Centre by way of example. The PC notes that these facilities are located within residential areas and can operate later than the Sports Pavilion, despite the Sports Pavilion being located further away from any houses.
- 6.2 The PC continues to state that the Sports Bar in the pavilion is only able to hold up to 60 people at any one time, fewer than the other Kings Hill facilities mentioned above. The PC reiterates that there is no intention to extend the hours of operation of the sports pitches or floodlights.

- 6.3 Members will note that a planning application was previously submitted for the same works under TM/16/01551/FL. This was withdrawn at the request of the applicant.
- 6.4 The Sport Pavilion and associated works were deemed to accord with Policies CP14 and CP24 of the TMBCS 2007 when permission was granted in July 2011. The proposal was deemed to make no unacceptable impact on the open countryside and to have been well designed.
- 6.5 The original application was however determined prior to the introduction of the NPPF 2012. Paragraph 70 requires planning policies and decisions to encourage the provision and use of community facilities including sports venues. The proposed extended hours of operation are likely to increase the use of this existing facility and the application therefore accords with the aims of the NPPF in this regard.
- 6.6 It is also important to consider the impact of the extended operating hours on the residential amenity of the adjacent settlement. Local residents have raised a number of objections to the application.
- 6.7 Local residents are concerned that the application will lead to increased levels of traffic, and this will result in increased levels of noise and general disturbance. This will have an adverse impact on the residential amenity of the adjacent dwellings. Whilst these concerns are appreciated I do not consider an extension to existing opening hours will automatically result in a significant increase in vehicle movements. It is the potential impact of the timing of those vehicle movements which requires assessment.
- 6.8 The application seeks to extend the operating hours of the pavilion. At present the pavilion is permitted to operate until 22.30 during the week. The current application seeks to extend this until 23.00 on Monday – Thursday. At present the pavilion is permitted to operate until 22.00 on Saturday. The current application seeks to extend the operation on Friday and Saturday evenings until midnight. The operation of the pavilion is established. It is the potential additional impact of operation during the proposed extended hours only that is of relevance in the determination of this planning application.
- 6.9 Those residents who have made representation state that the existing residential area to the west of the site is quiet, although there are existing problems with traffic, noise and anti-social behaviour. Local residents are concerned that the extended hours will result in increased noise, disturbance, litter, and criminal damage, and will encourage drinking and driving.
- 6.10 As noted above, I do not concur with the view that the proposed extended hours will result in a significant increase in traffic movements, particularly as the number of visitors to the pavilion is restricted to 60. I do not therefore consider that the

proposed extended hours will result in unacceptable harm to the residential or general amenity of the area in terms of increased vehicle movements.

- 6.11 The dwellings to the west of the site are located some 220m from the pavilion. There is an area of mature woodland between the pavilion and the adjacent dwellings. Consequently there will be no direct impact on residential amenity as a result of the proposed extended hours at the pavilion.
- 6.12 I am however aware that traffic movements are likely to occur later in the evening, particularly on Fridays and Saturdays. I also appreciate that all vehicles will enter and leave the site via Beacon Avenue. However the issues raised by local residents concerning driving attitudes and inconsiderate parking are not material planning considerations relevant in the determination of the current planning application. Standards of driving cannot be controlled through planning legislation and the sports park provides adequate on-site parking.
- 6.13 The concerns of local residents regarding a potential increase in anti-social behaviour are noted. However the proposed increase in operating hours is not excessive and is similar to those hours operated by other sports related clubhouses and pavilions. It is not reasonable therefore to withhold a grant of planning permission on this basis.
- 6.14 I am therefore of the opinion that the proposed extended hours remain in accordance with local planning policy and meet the relevant aims of the NPPF. However, I am keenly aware of the concerns of local residents, EM&L PC, and the neighbouring parish of Teston. I therefore recommend that the proposed extended hours be permitted on a temporary basis. This will enable the Council to monitor the impact of the extended hours. I therefore recommend planning permission is granted for one year.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Letter dated 22.11.2016, Location Plan dated 22.11.2016, subject to the following planning conditions.

Conditions / Reasons

1. The flood lights shall only be illuminated when the artificial grass pitch is in use and the flood lights shall be angled so that there is no light spill outside the pitch area and there shall be no illumination outside the approved hours of operation.

Reason: To protect the residential amenity.
2. The landscaping scheme approved under TM/11/02883/RD on 12 December 2011 shall be retained and any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the

next planting season with others of similar size and species, unless the Local Planning 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 sports pitches shall not be used or operated outside the hours of 08:00 to 22:30 Mondays to Fridays; 08:00 to 22:00 on Saturdays and 08:00 to 20:00 on Sundays or Public and Bank Holidays.

Reason: To protect the residential amenity.

4. The sports pavilion building shall not be used or operated outside the hours of 08:00 to 23:00 Mondays to Thursdays, 08:00 to 0:00 Fridays and Saturdays and 08:00 to 20:00 on Sundays and Public and Bank Holidays.

Reason: To protect the residential amenity.

5. The extended hours of the operation of the Sports Pavilion hereby permitted shall be operated for one year only and at the end of February 2018 the hours of operation shall be between the hours of 08:00 to 22:30 Mondays to Fridays; 08:00 to 22:00 on Saturdays and 08:00 to 20:00 on Sundays or Public and Bank Holidays as previous imposed under planning condition 8 of TM/11/00445/FL.

Reason: To enable the Local Planning Authority to assess the impact of the extended operating hours.

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