

**East Malling &  
Larkfield**  
Larkfield North

**10 February 2020**  
**22 June 2020**

**(A)TM/20/00311/FL**  
**(B)TM/20/01136/FL**

Proposals: (A) Installation of 16 x light fittings on 6 x 15 metre high masts to light football pitch to the required FA standard of 200 lux

(B) Creation of hardstanding area adjacent to pavilion, creation of tarmac pathway around football pitch, erection of 2no. spectator stands, 2 no. dugouts and a paybooth

Location: 251A New Hythe Lane Larkfield Aylesford Kent ME20 6PU

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## 1. Description

### Application A: TM/20/00311/FL (floodlighting)

- 1.1 A total of 6no. lighting masts are proposed along the edge of the existing pitch, each 15m high. Three of the six masts are proposed alongside the western side of the playing area, which is 95m long, and the other three opposite them on the eastern side, spaced at approximately 30m intervals. The two central masts would each support two light fittings and the other four masts three each.
- 1.2 The application is supported by a Technical Report by lighting design specialists. This sets out that the floodlights are intended to be used on average one day per week, on a Monday to Friday evening, to no later than 10.15pm, with occasional use on a Saturday afternoon between 2pm and 6pm, if lighting is needed because of weather conditions. Lighting is to be operated by an automatic timer arrangement system.

### Application (B): TM/20/01136/FL (operational development)

- 1.3 Retrospective planning permission is sought by this planning application for various elements of operational development connected to the activities at the Club, as follows:
- 1.4 A new area of tarmac hardstanding area has been formed in the southeast corner of the site, to the north and east of the pavilion, up to the edge of the playing area, covering an area which was previously laid to hardcore.
- 1.5 A new 1m wide tarmac pathway has been laid alongside the whole of the eastern and southern edges of the playing area and approximately half of the western side.
- 1.6 Two spectator stands have been constructed, each are 7m wide and comprise an open framework of metal stanchions, painted yellow. Each has a roof and rear wall in corrugated metal sheeting. One stand is for standing spectators. This is 2m

deep and is located on the west side of the pitch, about midway between the goal line and the centre line. The shallow-pitched roof rises from 2.54m (rear) to 2.64m (front). The other stand provides seats for 49 spectators in five raked rows. The stand is 3m deep and is located on the east side of the pitch, just north of the centre line. The shallow-pitched roof rises from 2.95m (rear) to 3.05m (front).

- 1.7 The two dugouts are each 4m wide by 1m deep and 1.9m high, with a roof and rear face, but otherwise open, and each providing eight seats. They are located on the west side of the pitch, on either side of the halfway line.
- 1.8 The paybooth is a detached prefabricated kiosk, with dimensions of 1.2m by 2.4m by 2.24m high. It is currently in a temporary location but is intended to be moved to the west of the pavilion building.
- 1.9 In support of the application, the submitted Planning Statement advises that

*“the main objectives for the proposal are to provide a ground to the standard FA requirements, to allow Step 5 football to be played and thereby enhance the level of football provided in the local community. The FA stipulate that the ground must provide covered seating for 50 spectators, covered standing for 50 spectators and 2 dugouts to accommodate 8 people. It also requires a paved area around at least 2 sides of the pitch (at least 1m wide) and between the pitch and the changing area (located in the pavilion)”*

- 1.10 Further supporting information provided during the course of the submission is summarised as follows:
  - There is no intention to increase the intensity of sporting activities at the site but rather a need to upgrade facilities in order to meet FA standards and as a result no increase in car parking provision is considered to be necessary;
  - The need to avoid damage to the grass pitch through over-use restricts the number of matches played and practice sessions carried out;
  - The back walls of the stands and dugouts are to be covered in a rubber surfacing, to minimise potential noise from excited spectators or staff banging on them;
  - Surface water from the new hard surfaces drains onto the pitch itself;
  - Pitch will be used on Saturdays, from 2pm to 6.30pm, on Sundays from 10.30am to 4pm and, midweek, on average one game per week from 6.30pm to 10pm, in accordance with existing planning conditions;
  - Expectation that approximately 60 matches would be played on the pitch in a season, plus practice and training sessions.

- Games usually have an average of 50-80 spectators and participants in total which has not altered as a result of recent developments undertaken (for which retrospective planning permission is now sought)

## **2. Reason for reporting to Committee**

- 2.1 At the request of Cllr Thornewell in order to consider the impacts of the developments on neighbouring residential properties.

## **3. The Site**

- 3.1 The site lies within Medway Gap Urban Area, to the east of the residential street Fielding Drive and north of a spur off the west side of New Hythe Lane, which also serves as a footpath.
- 3.2 The red-line site areas for the two applications are not identical but for both, the application site comprises land owned by Larkfield & New Hythe Sports Club. The greater part of the site for both applications comprises a soccer pitch which is approximately 100m by 65m.
- 3.3 Just inside the southern boundary, towards the eastern side, is an existing single-storey pavilion building. To the west of the pavilion is a car park, providing space for about 30 cars, with a gated access onto New Hythe Lane. There is a second access on the east side of the pavilion, leading to a further area recently resurfaced in blacktop.
- 3.4 The southern boundary of the club's grounds is enclosed by a chain-link fence fronting New Hythe Lane, which, beyond the point of the club's vehicular access, continues westwards as a footpath/cycle path linking to Chaucer Way. The western boundary runs along a steep bank which stands opposite two-storey dwellings addressed into Fielding Drive. A close-board fence has recently been erected on top of the bank, on part of the length, whilst the remainder to the north features a row of pruned conifers. The whole of the bank area is subject to a Tree Preservation Order dating from 1972. The eastern boundary features dense tree growth in part whilst at the southern end it adjoins the curtilage of a detached dwelling. Apart from this house and one neighbouring dwelling, the wider area to the north, south and east is of a generally open character, featuring several recreational and community facilities.

## **4. Relevant Planning History**

TM/74/11701/OLD      grant with conditions      7 January 1974

Social Room and Changing Rooms for Larkfield and New Hythe Sports Ltd

TM/84/10271/FUL      grant with conditions      29 August 1984

Single storey sports pavilion building

TM/88/11630/FUL	grant with conditions	1 July 1988
Erection of 2 x 10 metre high floodlights		
TM/93/00772/FL	grant with conditions	1 February 1994
Extension to pavilion to house additional changing rooms and showers		
TM/95/51216/FL	Grant With Conditions	19 January 1996
erection of 12 floodlights for junior training		
TM/96/00033/FL	Grant With Conditions	28 February 1996
addition of disabled toilet to new extension		
TM/98/00798/RD	Grant	29 June 1998
details of landscaping and boundary treatment submitted pursuant to condition 3 of permission TM/93/1577: extension to pavilion to house additional changing rooms and showers		
TM/06/01222/FL	Grant With Conditions	20 October 2006
Side and front extension to club house		
TM/20/00044/FL	Application Withdrawn	10 February 2020
Installation of 6 x 15 meter columns complete with 18 x 2 kw floodlights to achieve 200 lux FA Standard		

## 5. Consultees

### Application (A):

#### 5.1 East Malling and Larkfield Parish Council: Comments summarised as follows:

- Notes the details of the proposal, particularly the FA lighting requirements, the replacement of the existing lower floodlights, and the proposed new 2m fence;
- Identifies the principal issue as the effect of floodlighting on nearby residential properties, particularly those in Fielding Drive and also numbers 249 and 251 New Hythe Lane;
- Considers that a plan showing illuminance contours, both on the pitch and overspilling it, would be useful, particularly in respect of Fielding Drive, which is at a lower level than the pitch. In this respect, supports the advice given by Environmental Protection in relation to the previous (now withdrawn) application;

- Notes the proposed hours of use and assumes that the weekday sessions would be for training. If permission is granted conditions should be imposed to control the times of operation; and
- Draws attention to the 1990 EPA, under which artificial light may now potentially be considered a 'statutory nuisance'. Questions appropriateness of the term used in the Technical Report (the new installation 'will greatly improve the light spill and glare'). Surely this should say 'reduce' or mitigate'?

5.2 Environmental Protection: Comments made as follows:

- 5.2.1 The originally-submitted Technical Report cited the area as being in Zone E3, as defined in Guidance from the Institute of Lighting Professionals (ILP) and this may be broadly applicable. However, the area immediately around the pitch does not have much artificial light, and it could be argued that the area falls within Zone E2. Current ILP guidance states that where a site is on the cusp of two zones, that the more stringent zone be adopted. This will then have an effect upon the conclusions drawn.
- 5.2.2 The Report concludes that overspill into nearby residents' properties will be not more than moonlight.
- 5.2.3 An amended Technical Report, taking account of my original comments as to the relevant Zone also includes a document from TRAC (their ref MB - DSL 21-02-2020, dated 20-Feb-2020) which contains plots of the predicted lux levels both on and off the pitch. It is also stated that these plots do not take account of any trees that may be in the locality and so those that there are would render the situation better than predicted in terms of light spill. As amended, the predictions demonstrate that the sensitive areas outside the pitch would achieve levels that comply with the recommendations for zone E2 (namely less than 5-lux).
- 5.2.4 Should Members be minded to grant planning permission, I would recommend that the hours of use be restricted to those cited in the Consultant's Report, namely only between September-April, Mon-Fri 17:00-22:15 and Sat 15:00-18:00, and this be controlled by way of an automatic timer to ensure that these time restrictions cannot be exceeded. I would also clarify that the lighting must only be used when the pitch is in use by the Larkfield & New Hythe Sports Club, i.e. that it does not come on every night whether the pitch is in use by the Larkfield & New Hythe Sports Club or not.
- 5.2.5 The Applicant's attention should be drawn to the fact that artificial light can be considered under the Statutory Nuisances regime contained within the Environmental Protection Act 1990. It is thus in the Applicant's best interests to ensure that any lighting does not unduly affect any nearby neighbours.

5.3 Private Reps: 29 + site notice: 0X/11R/1S.

Objections summarised as follows:

- Intrusive light overspill/light pollution into neighbouring gardens and rooms, particularly childrens' bedrooms, and particularly because of topography (Fielding Drive 3m lower);
- Lighting will result in change in character to the area;
- Likely increase in usage so that residents will have to put up with increased noise from shouting in the evenings, including sometimes abusive language which is most undesirable for children living nearby;
- Likely increase in rubbish being thrown into neighbouring gardens resulting from larger crowds attending;
- Increased parking and traffic likely, causing further problems to residents. Parking space is already insufficient, leading to nuisance parking in Chaucer Way and New Hythe Lane on both practice and match nights;
- Proposed use (once-a-week and weekends only) should be a stipulation, strictly secured by planning condition;
- If the proposed 2m fence is the only mitigation for lightspill this should also be secured by condition;
- Risk that better lighting will encourage more congregation of youths in the rear alleys, increasing existing issues of vandalism and anti-social behaviour;
- Club must take this opportunity to remove the several tree stumps on the western boundary as these have in the past been set alight by vandals. Also, the Club's general lack of maintenance must be addressed;
- Club should consider installing new ball-stop fencing on the western boundary to prevent balls landing in Fielding Drive gardens;
- The stated aim to achieve the FA standard of 200 lux suggests that this proposal is part of a plan by the Club to raise the standard of the ground to FA Level 'H', involving a comprehensive set of standards relating to a wide range of matters such as minimum ground capacity, clubhouse facilities, pitch perimeter boundaries, pitch standards, floodlighting, entrances, spectator accommodation, parking, facilities for players, etc. The Club should submit a much more comprehensive planning application to cover these matters.

Comments in support summarised as follows:

- Proposals will make a contribution to the local area's progression;

- Excellent opportunity for the club to develop better facilities, provision of free sporting events and other social activities, create employment opportunities such as hospitality staff and grounds people, general clean-up of the ground with new fencing, clearance of debris and discouragement of fly-tipping, removal of storage containers and provision of additional parking spaces.

Application (B): TM/20/01136/FL

5.4 East Malling and Larkfield Parish Council: Comments summarised as follows:

- Notes this is a retrospective application;
- Questions whether the hard standings require a SUDS assessment;
- Localised surface water run-off problems;
- Concern that spectators may use the metal panelling as a drum during matches;
- Layout has reduced the amount of car parking available;
- Welcomes the fence along Fielding Drive boundary and appreciate the Club's efforts to improve security of the site;
- Request attention to concerns raised about visibility of the stands from the lower level of Fielding Drive.

5.5 Environmental Protection: A concern has been raised with respect to the potential for spectators to hammer on the metal sheeting that forms part of the two spectator stands. This is also possible from the two dugouts. It is suggested that this could lead to noise disturbance being caused to residents in the locality. Although I have no evidence to indicate that this will indeed take place or cause a Statutory Nuisance, I would recommend that the applicant investigate alternative materials that will minimise the noise that may be caused. Such noise can be considered under the Statutory Nuisances regime contained within the Environmental Protection Act 1990. It is thus in the applicant's best interests to ensure that any noise does not unduly affect any nearby neighbours.

5.6 Private Reps: 10 + site + press notice: 0X/23R/0S. Objections are summarised as follows:

- No limits on the number of games or times of playing and no limits on the number of training sessions or times that training sessions can take place;
- Site not suitable for big crowds of football supporters - increase in traffic, lack of parking, likelihood of more anti-social behaviour if alcohol consumed – unacceptable in heavily populated family neighbourhood;

- Surprising that an amateur football club should require such additional facilities. Erection of pay booth suggests this is more of a business venture than providing grass roots football for the local community - likelihood of a considerable increase in attendees to the ground;
- Suggest that if people want to pay to watch football then go watch an established team like Maidstone (in the town centre, good transport links and already has facilities);
- Facilities such as K Sports have space for hundreds of cars with far better vehicular access and pitches set much further from neighbouring residences;
- Site cannot accommodate this level of activity;
- Multiple planning requests for apparently minor works leading to cumulative significant intensification;
- Access to the ground is limited to either a pedestrian pathway/cycle lane from Chaucer Way or a very narrow lane from New Hythe Lane which is used constantly by pedestrians, dog walkers, families accessing the local play area and those attending the village hall for various activities and the scout hut. Any further use of this would cause certain congestion, bearing in mind the numbers expected to visit the football club which necessitates a pay booth;
- Parking is very limited - club has reduced the area available for parking to just 30 vehicles;
- Indiscriminate parking already in Chaucer Way, New Hythe Lane, Fielding Drive, Thackeray Road, Keats Road, Marlowe Drive and Chaucer Way – blocking access to dwellings, obstructing highway (including bus routes) potential to prevent access for emergency vehicles;
- Applicant relies on availability of the car park at the village hall that the parish council shares with the local scouts and the Leisure Centre car park but at weekends this car park and spaces at the recreation ground are usually fully used by people attending events or using community play facilities – likelihood of users being unable to park, eg if attending a wedding reception;
- Current use is already a nuisance – shouting, foul language during training and match days as well as construction and maintenance workers - easily heard by neighbouring families - could increase and occur in the evenings and weekends which is not conducive to quiet family life;
- Council has a responsibility under the Human Rights Act, particularly Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. . Article 8 states that a person has the substantive right to respect for their private and family life;

- Impact of building/stand very close to residential garden on our lifestyle and use of garden/privacy – design will provide a means for spectators to bang and kick approval or frustration - should be moved to the far end goal rear, the more normal position or next to the other stand;
- Car park should be fenced – loss of privacy in neighbouring gardens as motorists can overlook when parking;
- Freestanding spectator stands unsightly as you drive into Fielding Drive – better if the fence was higher to completely conceal;
- Converting any grassland to tarmac will increase the already significant water flow during heavy rain onto Fielding Drive which sits lower than the club;

## **6. Determining Issues**

- 6.1 The Local Planning Authority has a statutory duty to determine planning applications in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Development Plan currently in force comprises the TMBCS (September 2007), the DLA DPD (April 2008), the MDE DPD (April 2010) and the saved policies of the TMBLP. The NPPF (2019) and guidance within the associated NPPG are important material considerations.
- 6.2 Although some of the development has been carried out without planning permission this does not affect the way the applications are to be determined, which must be in accordance with the development plan unless material considerations indicate otherwise. The Town and Country Planning Act provides for the assessment and determination of applications in this way.
- 6.3 The site is within a designated Urban Area (Medway Gap), where Policy CP12 indicates that development should be concentrated, in accordance with the principles of sustainability in Policies CP1 and CP2, because in such areas there is the greatest potential for re-use of previously developed land and other land damaged by former uses. Development in urban areas can also minimise need to travel, by being located close to existing services, jobs and public transport.
- 6.4 As an aspect of the promotion of healthy and safe communities, the NPPF, at para 92 a), requires that, to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other things, ‘ ... *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 ...*’

- 6.5 NPPF para 96 goes on to highlight the importance of access to high quality open spaces and opportunities for sport and recreation for the health and well-being of communities.
- 6.6 TMBCS Policy CP24 (1) requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.7 MDE DPD Policy SQ1 requires development to reflect the character and local distinctiveness of the area including the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

*Preliminary and background matters:*

- 6.8 Larkfield & New Hythe Sports Club has been located at the site for many years as a sports ground/leisure facility and it forms part of a larger area of leisure-based sites and facilities. The football club is a Charter Standard Community Club in the Football Association hierarchy. The site does not appear to be subject to planning control over matters such as the days/hours of use, the number of spectators permitted to attend, the numbers of vehicles permitted to access the site, the number of parking spaces to be provided, the nature of the sporting activities permitted, or sources of revenue and finance, whether, for example, by charitable donations, membership fees, by paying spectators, or a combination of these.
- 6.9 However, it may be noted that planning permission has previously been granted for floodlighting at the site, under reference TM/95/51216/FL dated 19 January 1996 for *Erection of 12 floodlights for junior training*. Permission was granted subject to Conditions, including limited hours of use, from 8am to 10.15pm daily.
- 6.10 The site adjoins a residential area on the west side as well as two dwellings on the east side, and it is clear from the many representations received to both applications that a number of nearby residents are concerned with the club as it currently operates, particularly in respect of noise and disturbance during matches, overflow parking, and access issues. Furthermore, serious concerns are expressed as to what lies ahead, that the recent developments and the proposed new floodlighting are part of an underlying agenda of ever-increasing expansion of activities and consequent exacerbation of existing problems.
- 6.11 However, as noted above, the club is lawfully established at the site, with little planning control over how it operates, and with some floodlighting previously permitted, and it would not be possible to fundamentally change this through the current applications.

6.12 It is against the above adopted policy basis (and others where expressly cited within the assessment that follows), within the context of these material considerations that the determination of these applications must take place.

6.13 With these preliminary remarks in mind, the main issues are identified as:

- Whether the operation of the floodlights would give rise to unacceptable levels of light pollution to nearby residential occupiers which could not be reduced to acceptable limits by planning condition;
- Whether the other development which has been carried out adversely affects the visual amenities of the locality generally and of neighbouring residents in particular; and
- Whether the development recently carried out, together with the floodlighting, has the potential to result in a significant intensification of the use, to the detriment of local residential amenity, to an extent which could not be effectively controlled by planning conditions

*Impact on residential amenity arising from installation of floodlights:*

6.14 There are two aspects to consider in respect of the potential impact on the amenity of nearby residents: the visual impact of the columns supporting the floodlights; and possible lightspill from the floodlights themselves.

6.15 Each of the columns is proposed as 15m high, with a diameter of up to 200mm at the broadest. The three columns on the western side of the pitch would be visible above the new fence from a number of houses in Fielding Close, the nearest of which have rear walls directly facing the ground. The other three columns on the eastern side would be less visible from Fielding Close, but more so from numbers 249 and 251 New Hythe Lane.

6.16 However, taking into account their comparative slenderness, and notwithstanding the significant height, the visual impact of the columns would not, in itself, be unduly great, and particularly if finished in a suitable colour, preferably a grey to correspond to the predominant sky colour.

6.17 In terms of potential lightspill, the Technical Reports prepared by the applicants' lighting contractor seek to ensure that adequate light is directed principally onto the playing surface, for both efficient use and to avoid nuisance to neighbouring residents. For new or improved installations, even at Step 5 grounds, the FA requires a lighting level of 200 lux on the pitch, and to achieve this level whilst minimising lightspill, the lighting design involves the selection of the appropriate height and positioning of the support columns with a suitable luminaire, shielded by rear floodlight shields and front cowls.

- 6.18 The proposed lighting design is based on Guidance Note 01/20 issued by the Institute of Lighting Professionals. The consultant's Technical Reports initially treated the area as being within environmental Zone E3 ('Suburban - Medium District Brightness') which is characterised as *Well inhabited rural and urban settlements, small town centres of suburban locations*, and calculated lightspill to meet the recommended limits for such areas.
- 6.19 However, the Council's Environmental Protection team suggested that part of the surrounding area could be considered to be within Zone E2 ('Rural - Low district brightness') which is described in Guidance Note 01/20 as *Sparsely inhabited rural areas, village or relatively dark outer suburban locations*. The lighting consultant has amended the original lighting design so that predicted lightspill would meet the more stringent standard for Zone E2, in which case light reaching adjacent houses and gardens from the new floodlights would be no greater than from a full moon. This is illustrated in illuminance diagrams within the Technical Reports.
- 6.20 On this basis, and given that the floodlighting would be used on match days only, which are expected to be not more than once a week, and would be switched off by 10.15pm at the latest, it is concluded that the floodlighting of the pitch as proposed would have no unduly adverse impact on the amenity of neighbouring residents. The hours of use and maximum illuminance to adjoining properties may properly and reasonably be controlled by planning conditions.

*Impact on biodiversity arising from floodlights:*

- 6.21 Policy NE3 of the MDE DPD states that development that would adversely affect biodiversity or the value of wildlife sites across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. Paragraph 170 (d) of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts and providing net gains for biodiversity.
- 6.22 The application for the floodlights includes a Preliminary Roost Assessment by a qualified ecologist. This concludes that the site provides no significant opportunities for nesting, roosting or foraging by bats and observes that there are more favourable locations comparatively nearby, such as at Leybourne Lakes.
- 6.23 The ecologist does not consider that any further survey work is required in respect of bats and has confirmed that in his opinion the proposed floodlighting would be acceptable in respect of the potential impact on bats, particularly given the low suitability of the site to support foraging or commuting bats. He recommends that the lights should be dimmed or switched off when not in use.
- 6.24 The proposal is that the floodlights will be lit only at certain limited times, which will be specified in a planning condition.

- 6.25 In view of the survey work carried out and the ecologist's conclusions based on this, and considering that the pitch could continue to be lit by the floodlights which were approved in January 1996, apparently without any potential impact on bats having been investigated, it is concluded that the proposed new floodlights would not give rise to any undue impact on bats.
- 6.26 The proposed floodlights would meet policy requirements by introducing a more efficient lighting scheme designed to minimise lightspill beyond the playing area and using LED lighting which is less harmful to bats, and incorporating an automatic timer to restrict the times of illumination. On this basis, there is no need to incorporate any additional measures for enhancement provided the operation of the floodlights is controlled by condition.

*Impact on residential amenity arising from operational development:*

- 6.27 Some neighbours have drawn attention to disturbance currently caused by loud shouting on the pitch, including swearing. However, it is not considered likely that implementation of the proposals in these two applications would materially worsen the current situation, which is not considered to be a material planning consideration to be taken into account in this case and needs to be pursued through other channels.
- 6.28 Concern has been raised by local residents and the PC that significant additional disturbance could be caused by hammering on the metal sheeting forming part of the spectator stands and possibly also the dugouts. In response, the applicant proposes to apply a rubber surface to dampen noise. This may be secured by a suitable condition and provides a satisfactory solution to this potential problem ensuring that the development accords with adopted policy seeking to safeguard amenity.
- 6.29 In addition, it may be noted that such noise can be considered under the Statutory Nuisances regime in the Environmental Protection Act 1990 and the applicant club may be advised of this possibility via an Informative, to highlight the importance of ensuring that any noise does not unduly affect nearby neighbours

*Impact on visual amenity arising from operational development:*

- 6.30 The new structures are simple and functional in design and appearance, and they are generally in keeping with the recreational/sports field location. Although all are at least partially visible from adjacent land, including dwellings, they are neither so high nor so generally large as to have a significant adverse visual impact. On the west, a new closeboard fence provides a degree of screening from Fielding Drive.
- 6.31 The new areas of hard surfacing are neat and inoffensive and have no significant adverse impact. The appearance of the area between the pavilion and the pitch, which was previously covered with hardcore, has been improved. In this respect, the scheme is therefore acceptable in light of adopted policy.

Highway safety and parking provision:

- 6.32 NPPF paragraph 109 indicates that development should be prevented or refused on highways grounds only if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe. MDE DPD Policy SQ8 sets out a number of requirements, including the need for development to demonstrate that any necessary transport infrastructure arising from the development is provided. Development will only be permitted where highway safety would not be significantly harmed and traffic generated by the development can adequately be served by the highway network.
- 6.33 Having checked the planning history of the site, there appear to be no restrictions, in planning terms, as to the maximum numbers of games which can be played, practice sessions held, or other sporting activities hosted, and the intensity of use could materially increase even if the new floodlighting were not installed and the additional facilities and surfacing were removed.
- 6.34 In view of this, there would be no sustainable grounds for requiring additional on-site parking space to be provided or for seeking to restrict the numbers of spectators or players attending the site.
- 6.35 The relatively modest proposals in these two applications, amounting essentially to more efficient floodlighting and covered accommodation for a small number of spectators and playing staff, would not give rise to an unacceptable impact on highway safety or a severe impact on the road network and the applications are consistent with both national and local plan policies in this respect.

Flood risk and surface water drainage:

- 6.36 Chapter 14 of the NPPF addresses the challenge of flooding, amongst other water-based issues, indicating that inappropriate development in areas at risk of flooding should be avoided by being directed away from areas at highest risk. Similarly, Core Strategy Policy CP10 of the TMBCS encourages development in areas at no or low risk to flooding.
- 6.37 The site is not within an area considered at higher risk of flooding. However, I am aware from the representations received that some localised historic flooding incidents have occurred which has been suggested may have arisen from surface water running-off the site.
- 6.38 The agent advises that surface water from the new areas of hard surfacing naturally drains onto the grass pitch. However, as these new areas do not appear to be constructed in permeable materials, and given the reports of local flooding in the past, it would be appropriate and reasonable to require this assertion to be demonstrated by drawings and technical details. A condition is recommended to require such details to be submitted within one month and any further measures

which may be necessary to avoid water draining off the site to be implemented within three months.

- 6.39 Subject to satisfactory compliance with this condition, the proposals would not be expected to give rise to localised flooding incidents. The development is in conformity with both national and local plan policies in this respect.

*Impact on trees and landscaping:*

- 6.40 The whole of the western boundary of the site is subject to a Tree Preservation Order. It is clear from site inspection that much of any original tree cover which existed when the Order was made in 1972 has either died, been removed or severely pruned and it would be reasonable to require some additional planting of suitable native species, via a planning condition. Once established, such planting would further screen the site.

*Conclusions:*

- 6.41 The applicant club seeks to improve its standing within the Football Association hierarchy and to achieve this is required to provide a minimum level of floodlighting and facilities for players and spectators.
- 6.42 The floodlighting scheme has been designed by specialist lighting contractors to replace an existing set of lights which were installed many years ago, apparently without the benefit of a detailed analysis of potential light spill. The current submission demonstrates that the new scheme can achieve the accepted standard for a location within Zone E2 ('Rural - Low district brightness') and is capable of being effectively controlled by planning conditions relating to both times of use and spread of light.
- 6.43 The spectator stands, dug outs, pay booth and new hard surfacing are all comparatively minor developments, designed to meet the FA's minimum requirements to allow modest progression in the club hierarchy. The existing pitch is used for about 60 matches per season, which because of the grass surface, could not be significantly increased.
- 6.44 Given the relatively limited extent of the site, much of which is taken up by the pitch itself, the constrained access, limited on-site parking, the close proximity of residential neighbours, and the grass surface of the pitch. it is unlikely that activities at the ground could increase significantly even if the football club moves up in the FA standings.
- 6.45 National planning policies in the NPPF, in Chapter 8 in particular, give clear and strong support to the provision and maintenance of sporting facilities as part of the promotion of healthy and safe communities. In particular, paragraph 91(c) urges that planning decisions should *"enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for*

*example through the provision of safe and accessible green infrastructure, sports facilities ...”* Paragraph 92 explains that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of a range of facilities, including *sports venues*.

- 6.46 The proposals are therefore consistent with the Government’s policies on the promotion of safe and healthy communities and also meeting the requirements of adopted development plan policies CP1, CP10, CP11, CP24 and SQ1 and SQ8.
- 6.47 The Planning Practice Guidance sets out that conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. 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.
- 6.48 In line with this guidance, and in light of the foregoing assessment, safeguarding conditions are recommended, designed principally to minimise any adverse impact on the amenities of nearby residents, whilst allowing the development to proceed. Subject to those conditions, both applications are recommended for approval subject to the imposition of planning conditions.

## **7. Recommendation:**

### Application A:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Block Plan received 10.02.2020, Drawing 2838/M front visor received 10.02.2020, Drawing HL250D15/3/AL5760(scale) mast received 10.02.2020, Drawing 2839/M rear visor received 10.02.2020, Location Plan received 10.02.2020, Details floodlighting challenger received 10.02.2020, Technical Specification received 10.02.2020, Lighting brochure 200LUX received 10.02.2020, Ecological Assessment Preliminary Roost Assessment received 04.03.2020, Bat Survey received 04.03.2020, Block Plan received 11.02.2020, Other guidance notes received 11.02.2020, Report light spill design 200 LUX received 14.09.2020, subject to the following conditions:

### **Conditions:**

- 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.

- 2 The floodlights shall be illuminated only when a football match or training session is in progress, and shall not be illuminated outside the following hours: on Saturdays, from 2pm to 6.30pm, on Sundays from 10.30am to 4pm and on weekdays from 6.30pm to 10.15pm, and an automatic mechanism shall be installed to prevent illumination outside those times.

Reason: to minimise the impact of lighting on neighbouring residents and on bats.

- 3 The floodlights shall be installed in accordance with the details set out in the Technical Report and the TRAC Report dated 21 February 2020, both by Direct Sports Lighting, and shall not, at any residential façade or within any residential garden, exceed the maximum illuminance levels specified for Environmental Zone 2 in Guidance Note 1/20 published by the Institution of Lighting Professionals.

Reason: to minimise the impact of lighting on neighbouring residents'

- 4 The lighting columns shall be finished in a mid-grey or such other colour as shall be submitted to and approved by the Local Planning Authority before the columns are erected and shall thereafter be maintained as approved.

Reason: In the interests of minimising the visual impact.

### **Informative**

- 1 The applicant is advised that that artificial light can be considered under the Statutory Nuisances regime within the Environmental Protection Act 1990. It is thus in the applicant's best interests to ensure that any lighting does not unduly affect any nearby neighbours.

### Application B:

- 7.2 **Grant planning permission** in accordance with the following submitted details: Site Plan 260520-P-01 received 03.06.2020, Block Plan 260520-P-03 received 03.06.2020, Location Plan 260520-P-02 received 03.06.2020, Photographs received 03.06.2020, Proposed Plans and Elevations 170620-P-01 received 22.06.2020, Proposed Plans and Elevations 170620-P-02 received 22.06.2020, Proposed Plans and Elevations 170620-P-03 received 22.06.2020, Proposed Plans and Elevations 170620-P-04 received 22.06.2020, Planning Statement received 22.06.2020, Email Additional details received 24.08.2020, subject to the following conditions:

### **Conditions:**

- 1 Before the spectator stands and dugouts are first brought into use, a noise-absorbent surface shall be applied to the interior face of the rear wall of each structure, in accordance with details which shall be submitted to and approved in

writing by the Local Planning Authority, and the approved surfacing shall be maintained at all times thereafter.

Reason: to minimise the impact of noise from within the stands and dugouts on neighbouring residential occupiers.

- 2 Within one month of the date of this planning permission, details of the drainage of surface water from the new areas of hard surfacing shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that surface water currently runs off to a permeable or porous area within the curtilage or to provide for such run off if it cannot be so demonstrated. Any additional measures which may be required to achieve drainage within the curtilage shall be installed within three months of the date of approval by the Local Planning Authority and shall thereafter be maintained.

Reason: in the interests of sustainable development and to ensure that surface water run-off from the new areas of hard surfacing does not run-off onto adjacent land.

- 3 Within one month of the date of this planning permission, a soft landscaping scheme for the western and eastern boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented in the next available planting season following the approval of the scheme. Trees which in the first 10 years following planting die or become diseased, or are removed, shall be replaced with specimens of the same type or as agreed by the Local Planning Authority

Reason: in the interests of the visual amenities of the area

### **Informative**

- 1 The applicant is advised that noise resulting from banging on the spectator stands can be considered under the Statutory Nuisances regime within the Environmental Protection Act 1990. It is thus in the applicant's best interests to ensure that any noise does not unduly affect any nearby neighbours.

Contact: Leslie Sayers