

**Tonbridge
Castle**

31 December 2021

TM/21/03332/FL

Proposal: Installation of new all-weather playing surface. Removal of 8. No existing floodlighting columns and erection of 4 No. replacement LED Floodlights

Location: Longmead Stadium Darenth Avenue Tonbridge Kent TN10 3JF

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1. Description:

- 1.1 Planning permission is sought for the replacement of an existing all-weather playing surface in the existing Longmead Stadium (west of the application site). It also includes the removal of the existing 8no. 16m high floodlights approved in June 1993 (planning refs. TM/93/01155/FL & TM/93/01156/LDCE refer) to be replaced with the erection of 4 No. 18m high LED Floodlights. It should be noted there are no planning restrictions on the hours of operation for the existing floodlights and no planning conditions restricting how the pitch can be used/hired by the local community.
- 1.2 The existing grass pitch (west of the application site) would be replaced with a new 3G all-weather artificial turf pitch and 4no. replacement 18m high LED floodlights which would be erected around the perimeter, one in each corner of the pitch. This will allow the pitch to be used (including hiring and community events) all year round.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Vivian Branson to enable the committee to consider whether the lighting condition is appropriate given the proximity of the site to residential dwellings and for the committee to assess the impact of the proposal on light pollution in the area.

3. The Site:

- 3.1 The existing stadium is located to the western side of the application site, which is set back from the public highway. To the north and west is countryside. To the south are the Tonbridge Bowling and Tonbridge Foresters Cricket Clubs. To the east are ancillary buildings/facilities and existing car parking area, and further east are residential properties; Hamble Road (southeast) and Stour Close (northeast). The stadium is located approx. 175m away west of these residential properties.
- 3.2 The site lies to the west of the existing settlement in the countryside and Green Belt. The site lies within Flood Zones 2/3 and an area of archaeological potential.
- 3.3 The site is accessed via existing gates off Darenth Avenue (southeast).

4. Planning History (relevant):

TM/00/00727/FL Grant With Conditions 13 June 2000

Construction of two spectator stands (18m x 6.25m approx) for Tonbridge Football Club

TM/00/01355/RD Grant 3 August 2000

Details of external cladding showing it raised 300mm above ground level submitted pursuant condition 2 of TM/00/00727/FL (Construction of spectator stands)

TM/00/01865/RD Grant 26 September 2000

Details of colour of external cladding (ocean blue) submitted pursuant to condition 2 of TM/00/00727/FL (spectator stands)

TM/02/00989/FL Grant With Conditions 2 August 2002

500 seater East stand

TM/81/10283/FUL Grant 13 March 1981

Landscaping scheme in respect of football stadium and associated car park.

TM/93/01154/FL Grant 18 June 1993

Retention of extensions to changing rooms and erection of new toilet block and raising of perimeter fence (existing) to height of 2.4 metres and erection of 2.4 metres fence on North boundary

TM/93/01155/FL Grant 18 June 1993

Retention of main stand, equipment store, club house, board room and 6 No. floodlight towers without complying with conditions attached to permission TM/79/1477

TM/93/01156/LDC lawful development 23 June 1993
E certifies

Certificate of Lawfulness of existing development: changing rooms, switchgear room, stores, sheds, turnstile, dugout, office, small stand and 2 No floodlight towers

TM/94/01177/FL grant with conditions 20 May 1994

Change of use of training area to hold boot fairs on not more than 16 days in any calendar year, of which not more than 12 to be held on Sundays

TM/94/01178/FL grant with conditions 8 March 1995

Erection of new stand to accommodate 636 spectators under cover

TM/97/01163/FL Grant With Conditions 25 September 1997

cedar clad prefabricated building as replacement for shed and portacabin

TM/97/01765/FL Grant With Conditions 9 December 1997

cedar clad prefabricated building as replacement for shed and portacabin

TM/06/02278/FL Grant With Conditions 22 August 2006

Erection of additional building alongside existing dressing rooms

TM/15/00592/FL Approved 11 May 2015

Toilet block and storage area

TM/17/01520/FL Approved 1 August 2017

Permanent retention of marquee adjacent to existing stand

TM/20/00215/FL Approved 11 March 2020

Demolition of Club Shop and redundant equipment and materials stores. Erection of single-storey detached building to provide a public cafe and training and development facility incorporating replacement facilities for Tonbridge Athletic Football Club. Paved external seating area enclosed by part close board, part steel fence. Access ramps

TM/20/01875/RD Approved 30 September 2020

Details of condition 2 (trees) pursuant to planning permission TM/20/00215/FL (Demolition of Club Shop and redundant equipment and materials stores. Erection of single storey detached building to provide a public cafe and training and development facility incorporating replacement facilities for Tonbridge Athletic Football Club. Paved external seating area enclosed by part close board, part steel fence. Access ramps)

5. Consultees:

5.1 EA: No representations received.

5.2 TMBC EH: The applicant has provided lighting spillage information for the site provided by Highlights Floodlighting Ltd. This does not however show the effect of the lighting of the site on nearest residential occupiers. Before this Service can comment on the adequacy of the lighting proposals, the applicant will need to submit sufficient information to satisfactorily demonstrate the level of impact of light intrusion into representative windows and source intensity levels comply with the latest version of the ILP's Guidance notes for the Reduction of Obtrusive Light.

5.2.1 The applicant provided Spillage report 200 Lux LED dated 11/02/2022 along with overview of spillage coverage and results to show the effect of the lighting of the site on nearest residential occupiers. The EH officer was re-consulted and stated "the updated report provides the necessary information demonstrating the nearest residential will not experience excessive glare. Provided these are installed as per the report no further comments. The only outstanding matter is around the times the latest/earliest the lights will be on for and how this is to be ensured which can be conditioned". These details were discussed with the EH officer and the applicant regarding the existing hours of operation of the floodlights, see final wording of condition 3 for the hours of operation for the floodlights, which were agreed. No further details were required and no objections to the proposed replacement floodlights (see relevant parts of this report for full comments and assessment).

5.3 Private Reps: 2 + site notice: 2:0X/1S0R Letter of support summarised as follows:

- Fully support this application.

6. Determining Issues:

Development in the Green Belt:

6.1 The site lies within the Metropolitan Green Belt and as such restrictive policies apply. Policy CP3 of TMBCS is the adopted development plan policy pertaining to the Green Belt and sets out that national Green Belt policy will be applied generally within the Borough. National policy is contained at Section 13 of the NPPF (revised version published July 2021). Within this chapter of the NPPF paragraphs 147 to 151 relate specifically to proposals that affect the Green Belt.

6.2 Paragraph 137 of the NPPF states that:

"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

6.3 Paragraph 147 of the NPPF states that:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

6.4 It continues at paragraph 148 that:

“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

6.5 Paragraph 149 states that:

“Local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt”.

It then goes on to set out a number of exceptions to this, as follows:

“a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

not have a greater impact on the openness of the Green Belt than the existing development; or

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

6.6 The most relevant exception to this application is:

b) *“the appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.*

6.7 This proposal would involve the upgrading of an existing outdoor recreation facility through the provision a new all-weather pitch and 4no. 18m high replacement LED floodlights. Only a modest proportion of the site is proposed for upgrading (new 3G pitch) and lighting spillage will be reduced by the proposed 4 floodlights compared to the current 8 floodlights on site.

6.8 Officers considered that due to the nature of the proposal (ie the number of floodlight columns being reduced from eight to four) it would not impact upon the openness of the Green Belt. In addition, the proposal would support an existing outdoor and recreational use which will continue to serve the local community.

6.9 In light of the above, I consider the principle of the proposal, located in the Green Belt, to be in accordance with the NPPF and therefore acceptable in this location.

Development in the countryside:

6.10 In addition to the Green Belt policies considered above, it must also be recognised that the site lies within the designated countryside more generally. In this respect, policy CP14 of the TMBCS states:

“In the countryside development will be restricted to:

(a) extensions to existing settlements in accordance; or,

(b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use; or

(c) development that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers; or

(d) development required for the limited expansion of an existing authorised employment use;

(e) development that secures the viability of a farm provided it forms part of a comprehensive farm diversification scheme supported by a business case; or

(f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or

(g) affordable housing which is justified as an exception under Policy CP19; or

(h) predominantly open recreation uses together with associated essential built infrastructure; or

(i) any other development for which a rural location is essential.”

6.11 The proposal involves the upgrading of existing *predominantly open recreation uses together with associated replacement of essential built infrastructure* (floodlights) CP14 (h). As such, the proposal meets the requirements of Policy CP14.

Noise/Light/Residential Amenity:

6.12 In relation to the impact of development upon residential amenity, Policy CP24 of the TMBCS states:

“Development which by virtue of its design would be detrimental to... amenity... will not be permitted.”

6.13 Policy SQ7 of the MDE DPD relates to health and well-being. This policy (inter alia) supports proposals that maximise opportunities for healthy living and healthy active lifestyle choices. Paragraph 91 of the NPPF requires planning policies and decisions to aim at achieving healthy, inclusive and safe places.

6.14 Additionally, paragraph 130 (f) of the NPPF advises that planning policies and decisions should ensure that developments:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...”

6.15 It should be noted that there are no current planning condition restrictions on the hours of operation to the existing floodlights and the pitch for hiring by the local community. The nearest residential properties are located southeast on Hamble Road and northeast Stour Close approx. 175m away from the existing football ground.

Light:

6.16 The applicant has submitted a Lighting Spillage report/chart through their Lighting Consultant, Highlights Floodlighting Ltd (their ref Spillage charts 200 Lux LED, dated 11/02/2022). This shows the proposed maximum light reading found on the property elevations nearest to the site (nos. 24 and 29 Stour Close plus 41-56 Hamble Road) to be 0.16 Lux. These figures represent the projected light spillage of the proposed replacement 4 LED floodlights to these properties. This indicates that light intensity should fall to levels below 1lux well short of any nearby residential properties. As such, the Lux value is negatable and fully compliant to the ILP's Guidance notes for the Reduction of Obtrusive Light. Furthermore, the EH officer was consulted on these lighting details and has raised no objections. As

such, the limited light spillage from the proposed floodlights (an improvement over the existing situation) is deemed to be acceptable.

6.17 Officers are aware that the provision of lit pitches such as the replacement proposed can lead to complaints of light nuisance and so careful design, installation and maintenance will be required. 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 affect any nearby neighbours.

6.18 Furthermore, it has been agreed with the applicant and officers (including the EH officer) that the operation of the replacement floodlights would be controlled via a condition where the floodlights shall only be illuminated whilst the pitch is in use and at no other time and shall not be illuminated outside the hours of 09:00 until 21:00 weekends and 09:00 until 22:30 on weekdays. This is to ensure the safeguard and general amenity of the wider area from light pollution.

Noise:

6.19 With substantial separation from the nearest residential dwellings to the east, as set out above, the proposal would not have any greater impact on the amenity of neighbouring dwellings by way of noise. Officers acknowledged that the proposed replacement pitch could attract additional users to the recreation ground. Noise will undoubtedly travel from those using the pitch (as it does now) to the residential properties to the east in Hamble Road and Stour Close, but this will cease when the pitch and floodlights are not in use. It is therefore not unreasonable to condition the hours that the floodlights can be used to protect residential amenity.

6.20 Consequently, subject to the hours condition on the use of the floodlights, the development would not cause unacceptable detrimental impact to local residents and the general locality in terms of noise and general disturbance.

6.21 As such, the proposal would comply with Policy CP1 (3) of the TMCS 2007.

Design, character and appearance:

6.22 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment.

6.23 Paragraph 130 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

6.24 Additionally, paragraph 134 of the NPPF explains that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

- 6.25 Policy CP24 of the TMBCS 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, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.26 Policy SQ1 of the MDE DPD reflects the general intent of CP24 above but also requires development to respect the residential amenities of neighbouring properties and to protect, conserve and enhance the local distinctiveness and interest of the area, respectively. Policy CP24 of the TMBCS sets out a number of key objectives in terms of design.
- 6.27 Policy SQ7 of the MDE DPD relates to health and well-being. This policy (inter alia) supports proposals that maximise opportunities for healthy living and healthy active lifestyle choices. Paragraph 92 of the NPPF requires planning policies and decisions to aim at achieving healthy, inclusive and safe places.
- 6.28 The proposed replacement 3G pitch would not have any significant impact on the character of the site or the immediate locality. The proposed pitch will improve the current arrangements creating a facility which can be used by the local community all year round. The replacement of the existing 8 floodlights with 4 floodlights with energy-efficient LED lighting would reduce light spillage into the rural landscape. Essentially, this upgrade to the existing stadium would enhance the character of the area whilst providing much needed community facilities.
- 6.29 The replacement 3G all-weather artificial turf pitch and 4 LED floodlights are to be used by a local football club which provides healthy leisure opportunities. The facilities are also to be used by the community and charities which provide training and development opportunities for young adults with learning disabilities. The proposal therefore accords with local and national policy in helping to achieve healthy lifestyles and this is to be welcomed.
- 6.30 Overall, proposal is acceptable, and the replacement is considered to be appropriate, achieving a good standard of design in a manner in-keeping with the

character and appearance of the local area. As such, it would accord with the above Council policies and the NPPF.

Highway safety and parking provision:

6.31 Policy SQ8 of the MDEDPD sets out a number of criteria in terms of road safety and parking. Of relevance to this application are:

“2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.”

6.32 Paragraph 111 is also particularly relevant and outlines that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.33 The site is adjacent to a large car park which serves the wider recreational facility. Consequently, there is adequate provision for visitor parking. No alterations are proposed to the site access via Darenth Avenue and car parking facilities on site. The site is within walking distance of the adjacent settlement and associated public transport links on Shipbourne Road.

6.34 The proposal would create no unacceptable impact on the wider highway or parking network.

6.35 Accordingly, the development would comply with policy SQ8 of the MDE DPD and paragraphs and 111 of the NPPF.

Flooding:

6.36 Policy CP10 of the TMBCS states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk are considered. Paragraph 161 of the NPPF states that *“all plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property”*.

6.37 The site lies within Flood Zones 2 and 3. The submitted Flood Risk Assessment (FRA) and Drainage Strategy confirms, in accordance with the sequential test, that the flood risk vulnerability classification for this type of development in this location is considered as Water Compatible. The FRA concludes that there would be no foreseen adverse residual impacts to neighbouring properties or the surrounding area in relation to flood risk as result of the proposed development scheme. The scheme would show a benefit to managing flood risk in the area due to the surface water storage design proposed within the scheme, via the on-going maintenance of the catch pits and hydrobrakes on site.

6.38 As such, officers are of the view that the proposal is acceptable as the potential flood risk has been suitably mitigated. If planning permission is granted a condition could be imposed to require the enhancements be implemented on site.

Concluding remarks:

6.39 The proposed development would be of a high standard of design, in keeping with the surrounding area. No harmful impacts would arise to the Green Belt, neighbouring amenity, light and noise pollution, flood risk/drainage, parking, or highway safety as a result of the proposal.

6.40 Accordingly, the application is recommended for approval subject to the following conditions.

7. Recommendation:

Grant planning permission in accordance with the following submitted details: 2021-111v1-Location Site location plan, 2021-111-001 P1 Existing and Proposed block plans, S20-154/DWG/0000.01 Proposed floor plan, S20-154/DWG/0001.01 Proposed location plan, S20-154/DWG/0002.01 Proposed layout plan, Planning statement, S20-154/DWG/0006.00 Cross section detail, S20-154/DWG/0007.00 Proposed line marking, 2021-111-Survey plan Topographical Survey, Flood Risk Assessment and Drainage Strategy report dated December 2021, Spillage report 200 Lux LED dated 11/02/2022, TAFC S4 Overview of Spillage courage, TAFC S3 Spillage results, LIGHTING - OPTIVISION GEN3_5 FAMILY DATASHEET NOV2020, OPTIVISION LED GEN3.5_2020 DATASHEET_20201001, Specification Philips Warranty LED 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 All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3 The floodlights shall only be illuminated whilst the pitch is in use and at no other time and shall not be illuminated outside the hours of 09:00 until 21:00 weekends and 09:00 until 22:30 on weekdays.

Reason: In the interests of the general amenity of the wider area.

4 Development should be undertaken in accordance with the Flood Risk Assessment and Drainage Strategy report dated December 2021.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 161 of the NPPF and its associated Non-Statutory Technical Standards.

Informatives:

- 1 The applicant is advised that it is their best interest to maintain the sewage treatment unit at regular intervals. Sewage discharges must comply with the General Binding Rules as set in the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014. Additionally, the unit will need to combat seasonal loading, as well as use of chemicals to avoid damage to the micro-organism. An observed detrimental effect upon the private water supply would be enforceable for the protection of public health and the avoidance of nuisance.
- 2 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 3 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.
- 4 Artificial light can be considered under the Statutory Nuisances regime contained within the Environmental Protection Act 1990. It is thus in the applicants' best interests to ensure that any lighting does not affect any nearby neighbours.

Contact: Panyun Chow