

<b>REFERENCE NO:</b> 18/505509/FULL		
<b>APPLICATION PROPOSAL</b> Creation of a Mini Pitch including installation of associated perimeter ball stop barrier and fencing, acoustic barrier and site-wide security fencing, floodlights, hard standing areas and prefabricated toilet unit and soft landscaping		
<b>ADDRESS</b> - Marden Primary School, Goudhurst Road, Marden, Kent, TN12 9JX		
<b>RECOMMENDATION</b> - APPROVE		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant		
<b>REASON FOR REFERRAL TO COMMITTEE</b> - Marden Parish Council wish to see the application reported to Planning Committee		
<b>WARD</b> Marden & Yalding	<b>PARISH COUNCIL</b> Marden	<b>APPLICANT</b> Sam Clark-Keen <b>AGENT</b> Labosport Ltd
<b>TARGET DECISION DATE</b> 21/12/18		<b>PUBLICITY EXPIRY DATE</b> 22/11/18

### Relevant planning history

- 18/502804 - Creation of a Mini Pitch, including installation of associated perimeter ball stop barrier and fencing, floodlights, hard standing areas and prefabricated toilet unit – Withdrawn (June 2018)
- A number of planning permissions relating to Marden Primary School dating from the 1960's relate to for access improvements; mobile class rooms; and car park and building extensions.

### MAIN REPORT

#### 1. SITE DESCRIPTION

- 1.01 Marden Primary School is located on the western side of Goudhurst Road and for the purposes of the adopted Local Plan the main school buildings fall within the village boundary of Marden, with the western half of the site (and the proposal site) falling within the designated countryside. To the immediate north of the site is Bramley Court, a retirement complex, and there are houses to the south that front onto Goudhurst Road. The proposal site is currently used as outside play space for the school. The proposal site also falls within a KCC Minerals Safeguarding Area and Flood Zones 2/3.

#### 2. PROPOSAL

- 2.01 The proposal is for the creation of a Mini Pitch that would include the installation of a perimeter ball stop barrier and fencing that together would stand some 3m in height; a separate acoustic barrier to the north of the pitch that would stand some 3.5m in height and some 27.5m in length; 2 LED floodlight columns, standing some 6m in height; laying of a footpath; and a single storey toilet unit that would stand some 2.7m in height. Additional landscaping is also proposed along the northern side of the acoustic barrier.
- 2.02 The proposal will be used by Marden Primary School during school hours and the hours of use for local community hire are as follows:

Term time

16:00-19:00 (Mon-Fri)  
09:00-16:00 (Sat-Sun)

During school holidays

09:00-16:00 (Mon-Fri)  
09:00-14:00 (Sat)  
At no time on Sunday

### 3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP5, SP9, SP17, DM1, DM3, DM8, DM20, DM30
- National Planning Policy Framework (2018)
- National Planning Practice Guidance
- Marden Neighbourhood Plan: Pre-submission consultation was 9/6/18-21/7/18 and NP is yet to be submitted to the Council
- Kent Minerals and Waste local Plan (2016)

### 4. LOCAL REPRESENTATIONS

- 4.01 6 representations received from local residents raising concerns over: residential amenity impact in terms of noise, lighting, hours of use; parking/traffic; loss of property value; and ecology.
- 4.02 7 representations received from local residents in support of application as it would be a good community facility; it would provide health benefits; and it would reduce anti-social behaviour/crime.

### 5. CONSULTATIONS

- 5.01 **Marden Parish Council:** Wish to see application reported to Planning Committee;

*"Cllrs felt that insufficient regard had been taking to the siting of the pitch and toilet facilities and that despite the reason of recent tree planting having been given, they would still request that the pitch be moved further west so that it is as far away as possible from neighbouring properties. The proposed reduction in hours is welcomed but there is still a lot of concern about parking and impact on the neighbourhood."*

- 5.02 **Helen Grant MP:** Supports the application;

*"I have always been an enormous supporter of improved grassroots sports facilities across Maidstone and the Weald. High quality sports facilities play a vital role in offering people of all ages the opportunity to partake in physical activity, which clearly provides significant physical and mental health benefits. They also have an enormously beneficial social impact providing people with the opportunity to enjoy companionship and offering worthwhile and productive activities for the community to enjoy. I know how hard the Marden Primary School community have worked to raise the funds and agree the plans for this wonderful new facility and I very much hope their efforts will come to fruition with the granting of planning permission for this project. I believe the building of the new facility would be of huge benefit to the people of Marden and I would therefore be grateful if my comments could be given due consideration."*

- 5.03 **Sport England:** Raise no objection.
- 5.04 **Environmental Protection Team:** Raise no objection.
- 5.05 **KCC Minerals Safeguarding Team:** Have made no comment and so it is assumed that they raise no objection to the proposal.
- 5.06 **Environment Agency:** Have no comments to make on the application.
- 5.07 **Natural England:** Have no comments to make on the application.

### 6. APPRAISAL

#### Main issues

- 6.01 For the purposes of the Local Plan the proposal site is within the countryside, and new development in such a location will not be permitted unless it accords with other policies in the Local Plan and it would not result in harm to the character and appearance of the area. Local Plan policy also seeks to ensure proposals will respect the amenities of occupiers of neighbouring properties.

- 6.02 Whilst the proposal site is within the countryside, the main school complex is within the village boundary of Marden and the Mini Pitch would be read very much in context with its school setting. It is therefore considered to be of some relevance that Local Plan policy supports new community facilities in Rural Service Centres like Marden, and the Local Plan also encourages the dual use of existing education facilities for recreation purposes.
- 6.03 The proposal would result in the loss of land being used as a playing field and so it is a statutory requirement to consult with Sport England. In response, Sport England confirms that the Football Foundation is fully supportive of the application. The Mini Pitches initiative is designed to create a healthy, more active generation of children by providing high quality community sports spaces in primary schools. The partnership between The FA, Football Foundation and Kent FA aims to help Marden CP School to build a community Mini Pitch, and Sport England raises an objection. To ensure the proposal will be of sufficient benefit to the development of sport in the community, as to outweigh the loss of part of the playing field, Sport England wish to secure a Community Use Agreement, and an appropriate condition will be imposed for this.
- 6.04 With this considered, the main issues for consideration are what impact the proposal will have upon the residential amenity of local residents and its visual impact, with other planning issues then being addressed.

#### **Residential amenity**

- 6.05 The nearest properties are in Bramley Court to the north of the site, with gardens backing on to the school play area. These properties already experience a certain amount of disturbance during school term time when children are playing outside in school hours, and at this time the use of the Mini Pitch would not result in any further significant increase in terms of general noise and disturbance.
- 6.06 The proposal would see this outdoor space used after school hours and on weekends, as set out above. To mitigate against noise, the submission includes the erection of an acoustic barrier and a specific perimeter board design, and a restriction of hours of use (as set out above). For reference, under planning application reference 18/502804, the hours of operation proposed were 07:00-21:00 (Mon-Fri) and 09:00-21:00 (Sat-Sun). As recommended in the Noise Impact Assessment (NIA), this current submission also includes a Site Management Plan that seeks to avoid the proposal resulting in an observed adverse impact. With this considered, the submitted NIA concludes that the predicted equivalent noise levels from the pitch at nearby noise sensitive properties are below the level which is considered to result in the onset of moderate annoyance and is therefore considered acceptable. It goes on to state that it expects the development would potentially be noticeable but not intrusive and would therefore result in 'no observed adverse effect' when considered against national planning policy. This is defined in the NPPG as: Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. The comings and goings of vehicles to and from the site, from the existing car park, is also not considered to be objectionable on residential amenity grounds.
- 6.07 The Environmental Protection Team has reviewed the submitted details relating to noise and has raised no objection the proposal. On this basis, it is considered that the proposal would not have an adverse impact upon the living conditions of those residents in Bramley Court in terms of noise.
- 6.08 With regards to the proposed LED floodlighting, the submission has demonstrated that it would result in a low vertical overspill and backwards light, and would fully and uniformly direct the light onto the pitch surface. The lighting will also be

restricted to the hours of use proposed. The Environmental Protection Team has reviewed the submitted details relating to the floodlighting and has raised no objection to the proposal. As such, it is considered that the lighting to be used in association with the proposal would not have an adverse impact upon the living conditions of those residents in Bramley Court. The Environmental Protection Team has also raised no objection to the submitted details on amenity grounds regarding the Site Management Plan, which includes car park and lighting management, and the proposed schedule of programme use (including hours of operation).

- 6.09 The proposal would not have an adverse impact upon the living conditions of any other local resident when enjoying their properties. Subject to appropriate conditions ensuring the retention of the specified acoustic barrier and perimeter fencing, restricting hours of use and hours of operation of the floodlighting, and the implementation of the Site Management Plan, no objection is raised to this proposal on residential amenity grounds.

### **Visual amenity**

- 6.10 The physicality of the buildings, fencing, lighting, and surfacing would be well screened from any public vantage point, including Bramley Court to the north; Goudhurst Road that is more than 100m to the east of the pitch; and the public rights of way (KM244 & KM245) that are more than 130m to the south and west of the site. As set out above, the floodlighting when operating will also cause minimal light pollution and its hours of operation will be controlled. Furthermore, the proposal site, whilst in the countryside is also very much read in the context of a primary school and its surrounding playground with its existing hardsurfacing, play equipment, and existing boundary planting; and it would only marginally project beyond the western boundaries of the rear gardens in Bramley Court. With this considered, the proposal would not appear visually incongruous or dominant within the countryside, and would not therefore have an unacceptable impact upon the character and appearance of the area hereabouts.

### **Other matters**

- 6.11 It is not accepted that the proposal would result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe, given the existing use of the site, the parking facilities available on site; and the relatively modest scale of the intended use of the Mini Pitch.
- 6.12 Given the well maintained nature of the proposal site, its primary school context and use as a play area, it is not considered reasonable to request further details in terms of biodiversity prior to the determination of this application; and no objection is raised in terms of flood risk given the modest scale of the proposal and the fact that it is classified as 'water-compatible' development within the NPPF's Technical Guidance.
- 6.13 The representations made by Helen Grant MP, Marden Parish Council and local residents have been considered in the assessment of this application, and it should be noted that potential loss of property value is not a material planning consideration.

## **7. CONCLUSION**

- 7.01 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

## **8. RECOMMENDATION**

8.01 GRANT planning permission subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The construction of the acoustic fencing; the toilet unit; the Mini Pitch surfacing; and the perimeter ball stop barrier and fencing, shall be carried out in accordance with the external materials as stated in Section 2.5 of the Design and Access Statement/Planning Statement (received 22/10/18) and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (3) In accordance with submitted drawing reference: 18-0189 04 Rev 01 (received 22/10/18) and prior to the first use of the development hereby approved, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and the implementation and long term management plan shall include management responsibilities and maintenance schedules. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development.

- (4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the Mini Pitch or on the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development.

- (5) The Mini Pitch hereby approved shall not be used until the acoustic fencing and the perimeter ball stop barrier and fencing have been fully erected as shown on the submitted drawings. The acoustic fencing and the perimeter ball stop barrier and fencing shall be maintained as such thereafter;

Reason: In the interest of residential amenity.

- (6) The development hereby approved shall not be used until a community use agreement has been submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in compliance with the approved agreement thereafter;

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

- (7) The Mini Pitch hereby approved shall not be used outside the following times:

School term time

09:00-19:00 (Mon-Fri)

09:00-16:00 (Sat-Sun)

During school holidays

09:00-16:00 (Mon-Fri)

09:00-14:00 (Sat)

At no time on Sunday

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- (8) The floodlighting hereby approved shall be carried out in accordance with drawing references: 18-0189 03 Rev 02; 05 Rev 02; and 06 Rev 02; and the written details as set out in the submitted Design and Access Statement/Planning Statement (received 22/10/18) and maintained as such thereafter. The floodlighting shall only be operated within the approved hours of use as set out in condition 7 of this permission;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and in the interests of visual amenity.

- (9) Except for the lighting shown on the approved plans/documents, no external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- (10) The development hereby approved must operate in accordance with the provisions of the submitted Site Management Plan (received 22/10/18);

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1019 (20)002 Rev A00; 18-0189 02 Rev 02; 03 Rev 02; 04 Rev 01; 05 Rev 02; 06 Rev 02; and 07 Rev 00 received 22/10/18;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing neighbouring properties.

## **INFORMATIVES**

- (1) Pursuant to condition 6, it is advised that the community use agreement is written in consultation with Sport England. Guidance on preparing such agreements is available from Sport England at: <http://www.sportengland.org/planningapplications/>. For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

Case Officer: Kathryn Altieri