



Appeal Decisions

Hearing held on 2 February 2011
Site visit made on 2 February 2011

by P W Clark MA MRTPI MCI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 March 2011

Appeal A Ref: APP/U2235/A/10/2137747

Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bearsted Football Club against the decision of Maidstone Borough Council.
 - The application Ref MA/09/1615, dated 8 September 2009, was refused by notice dated 16 June 2010.
 - The development proposed is the installation and siting of 2N^o portable covered seating stands.
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Appeal Ref: APP/U2235/A/10/2137744

Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bearsted Football Club against the decision of Maidstone Borough Council.
 - The application Ref MA/09/1616, dated 8 September 2009, was refused by notice dated 14 June 2010.
 - The development proposed is the installation of 6N^o floodlighting columns.
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Decision

1. I allow appeal A, and grant planning permission for the installation and siting of 2N^o portable covered seating stands at Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG in accordance with the terms of the application, Ref MA/09/1615, dated 8 September 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/01 revision A, DHA/7126/02, DHA/7126/03 revision A, J40.77/01 and J40.77/02 and with the tree protection measures specified in sections 9 and 10 and appendices 3 and 4 of the arboricultural implications assessment dated 15th December 2009 by Tim Laddiman of Broad Oak Tree Consultants Ltd and with the Technical Data Sheet by Audience Systems Ltd dated March 09 for a large module Premier Grandstand in Twickenham Green seating colour.

2. I allow appeal B, and grant planning permission for the installation of 6N^o floodlighting columns at Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG in accordance with the terms of the application, Ref MA/09/1616, dated 8 September 2009, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/02, DHA/7126/10, DHA/7126/11, DHA/7126/12 and the specifications set out by Highlights Floodlighting Ltd dated 17 October 2008.
 - 3) The floodlighting hereby approved shall not be used between 1st May and 30 September (inclusive) in any calendar year.
 - 4) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 21.30 on Tuesdays, Wednesdays, Thursdays and Saturdays and not at all on any other day of the week.

Main Issues

3. There are two main issues common to both appeals; one is in two parts. The first main issue is the effect of the proposals on the intensity of use of the site and whether the site is a sustainable location for any intensification which might result. The second main issue is the effect of the proposals on the character and appearance of the area.

Reasons

Intensity of use

4. The existing use is long established, with few restrictions on the intensity of its use other than the intrinsic limitations of the facilities provided. There are three pitches, none presently floodlit. Dugouts are provided for officials but there are no specific pitch-side facilities for spectators. The only restriction on their use is that on Sundays the two pitches nearest to housing in Honey Lane and not the subject of the current proposals may only be used between 10.00 and 14.00 hours.
5. There is a clubhouse providing changing, hospitality and welfare facilities. Its use is limited by condition to the hours between 08.00 and 21.30. There is a training area which is floodlit. There is no restriction on the use of the training area but its floodlights may only be used on Tuesdays, Wednesdays and Thursdays between 16.30 and 21.30. There is a car park. Individual bays are not marked out but, if laid out efficiently, I estimate that its area would be capable of accommodating in the order of up to 85 cars.
6. Information about the level of use which these facilities generate is limited. Both parties gave figures for attendances on one date in October 2010 when only one pitch was in use for a first team match. The council additionally observed a second date. Players and officials count for 40 people. Spectators are recorded as 38 and 25 on each occasion. There appears also to have been some car occupants recorded in the appellant's figures who may only have been delivering participants or spectators and not themselves remaining on site. These figures are consistent with a level of activity in the order of 40-50 vehicles or 80-100 persons for a first team match.

7. However, the club runs 5 senior men's teams, two girls' teams, 20 competitive youth teams, youth holiday courses and a development centre for 4-7 year olds. Not all the club's activity is on this site but equally, not all the activity on the Honey Lane site is limited to the club; I was informed that pitches are sublet to other clubs. The site is not owned by the club; I was informed that the landowner has proposals from other clubs to use pitches if not required by Bearsted Football Club.
8. The appellant points out that activities such as the youth holiday courses generate a greater intensity of use and attendance than do senior matches. For these reasons, the observations made on one or two first team match dates in October 2010 cannot provide reliable information about the existing intensity of use; the existing potential, without taking into account any effects from the proposals, is clearly much greater.
9. The stands would provide better facilities for spectators and so might encourage greater numbers to attend but only to one of the three pitches on site. Spectator attendance represents only a small element of the existing potential level of use of the site. Furthermore, I am not convinced that the additional level of comfort provided by the proposed stands would lead to greater spectator attendance independent of the level of play, fan base and membership of the club.
10. The club has aspirations to increase all three of these. The level of play is limited, in part, by the facilities which the ground offers. The club's ambitions have already been frustrated by the limited facilities at the ground. The footballing authorities' requirements for grounds change from time to time. Evidence was produced to show that the facilities proposed would be required within four years if the club is to continue to play at its existing level. Whether the proposals would fully satisfy the requirements for the club to play at a higher level is not clear but it certainly has aspirations to do so. It believes the current proposals would facilitate that ambition.
11. Even if the club were to succeed in that ambition, there is no suggestion that a greater number of games would have to be played. No increase is proposed in the number of pitches or the size of the changing rooms, so there could be no greater intensity of use by players at any one time as a result of the proposals.
12. The floodlights would lead to a greater frequency of use of one of the three pitches, by allowing play at times not presently possible, such as mid-week evenings. Even that would remain limited by the condition of the playing surface and its ability to sustain more frequent use.
13. On the evidence of attendances at the higher level which the club aspires to, average spectator numbers might double but only for those fixtures played at that higher level. Since spectator numbers at those games represent only a proportion of the total level of activity at the site, I conclude that the proposals would not lead to a significant intensification of use but could lead to extended frequency of use of one of the three pitches.

Sustainability

14. A bus service stops outside the site, at infrequent intervals. It is about ten minutes walk, largely by a segregated (though mostly unlit) footpath, from a high-frequency bus service. The distance involved means that the site does not have good access to public transport as defined by policy T21 of the

- Maidstone Borough-Wide Local Plan. This policy would not allow new development in such circumstances. As noted above, the proposals are not for a new use but would be likely to result in extended use of an existing facility, so the balance of advantage is not so clear cut.
15. The site lies outside the built up area, separated by one field width from the Maidstone urban boundary. Nevertheless it would be within a ten-fifteen minute walk of the urban area and so would offer sustainable access within the accessibility requirements of the Council's Green Spaces for Maidstone Strategy for a sports facility to serve that part of the urban area and the allocated housing site 300m away to the south of Bicknor Wood.
 16. Despite that, most of the membership of and support for the club comes from, and is likely to continue to originate from, Bearsted, about 3km to the north. As this is not directly connected by public transport and the club has no travel plan or arrangements for communal travel, it is likely that the majority of travel would be by private car. A variety of routes are available. Although that through Otham village is largely a single track road with passing places and so has limited capacity, the route using White Horse Lane and Church Road is wide enough to allow cars to pass in comfort. The bus route passing the site demonstrates that the site is accessible to minibuses of the size likely to be used for the club's existing level of activity.
 17. I have concluded that there is likely to be more extended but not much intensified use of the site as a result of the proposals, so I take the view that the highway network can continue to sustain the traffic demands of the site. As I result I concur with the view of the Kent Highway Authority which has no objection to the proposals.
 18. Local residents point out that sustainable development is not just concerned with minimising the resource costs of transport but is also concerned with promoting personal wellbeing, social cohesion and inclusion. These points reflect the aims of the government's Noise Policy Statement for England issued by DEFRA in March 2010.
 19. Of its nature, a sports facility promotes the personal wellbeing of those who participate. In so far as the proposals would facilitate extended participation in sport, they would be consistent with the principles of sustainable development. Local residents report that activity at the existing site creates noise which they find unacceptable to their personal well-being. I have no data to confirm their experience but I can understand that the two pitches adjacent to the housing in Honey Lane, not the subject of the present proposal, might well cause annoyance from time to time.
 20. The proposals which I am dealing with concern the pitch furthest away from the housing. The stands would be about 190 m away from the nearest residential property. They would have no effect on the noise emanating from the players on any pitch. In so far as they might result in an increased number of spectators, there could be some increase in the volume of shouting but the numbers would still be so limited that it would not amount to the roar of a football stadium. Neither party provided any scientific data but the distances involved, and the attenuation of noise over grass, suggest that any noise from the stands, although audible, would not be unacceptable.
 21. I conclude that; although the site is not ideally located in terms of sustainable transport, it is an existing use which is not likely to be significantly intensified

as a result of the proposals. The existing intensity of use is likely to be extended to additional times but, in so far as the existing level of use is sustainable, then I conclude that the extended times of use would also be sustainable.

22. The proposals would comply with South East Plan policy S5 which is a part of the statutory development plan. This encourages participation in sport and recreation, locating facilities where they can be accessed by a range of modes of transport. Policy CC1 which seeks the achievement or maintenance of sustainable development and policy CC6 which calls for development with a sense of place including considerations of accessibility would also be met. The government's intention to abolish the South East Plan along with other Regional Spatial Strategies would not give rise to any reason to reach a different conclusion about the sustainability of the proposal.

Character and appearance

23. As noted in a previous appeal (T/APP/U2235/A/98/290135/P4), this particular tract of countryside is not devoid of urban influences. Although there is an agricultural field to the west of the sports ground and woodland to its south, the north of the sports ground is bordered by a group of about 50 or so houses which are suburban in style even if located outside a defined settlement. To its east are riding stables and paddocks. To its south east is another sports ground with a pavilion. In a report on a previous application on site, the council's officers describe it as "open countryside in what may be termed the 'urban fringe' of Maidstone. This locality is not designated as being of significant landscape value." I concur.
24. Residents refer to the CPRE's map of areas of tranquillity in the countryside. This shows the site to be located in an area towards the "least tranquil" end of that map's spectrum. They also refer to the dark nature of the village of Otham, lacking any street lights. Despite that, the training area of this sports ground is already permitted to be floodlit up to three nights a week.
25. Three of the proposed lighting columns would be placed close to trees and so would not stand out against that background. As specified (which can be secured by condition 2 in appeal B) all six would be slender and so not unduly prominent in any event. They would be consistent with the existing character of the site as a sports ground. If restricted by condition 4 of appeal B to similar hours and nights, adding only Saturday match days, the pool of light which they would create would not be an innovation but would mainly enlarge or supplant the immediately adjacent pool of light for the training ground. Condition 3 of appeal B would also preclude their use during the months when bats are most active.
26. The stands for spectators would be utilitarian. So too are the stables on the adjoining site to the east and the farm buildings on land to the south-west. Such is the character of buildings in rural areas unless intended for residence. Condition 2 of appeal A would be needed to specify the particular size of stand and colour of seating to be used.
27. With this and a provision, also in condition 2 of appeal A, to protect trees during construction in place, I conclude that the proposals would be consistent with the existing character and appearance of the sports ground. They would be consistent with Local Plan policy ENV28 which permits ancillary development for open air recreation in the countryside and with SEPLAN policies CC1, CC6

and C4 which seek to conserve the physical and natural environment, show respect for local character and the distinctiveness of landscapes and protect the diversity and distinctiveness of landscapes.

Conclusions

28. I have taken into account all other matters raised but they do not lead me to reach any conclusions other than those already stated, namely that these two proposals, either separately or cumulatively, would not lead to an unacceptable intensification of the use or to any change in its sustainability. With the conditions specified for each proposal, the effects on the character of the area, both separately and cumulatively, would be acceptable.

P. W. Clark

Inspector

APPEARANCES

FOR THE APPELLANT:

Matthew Blythin BSc (Hons) MA MRTPI	DHA Planning
Jason Lewis MSc CILT MIHT	DHA Transport
Duncan Andrews	Chairman, Bearsted Football Club
Roy Benton	Bearsted Football Club
Julian Scannell FRICS MCI Arb	Bearsted Football Club

FOR THE LOCAL PLANNING AUTHORITY:

Geoffrey John Brown MPhil MRTPI	Planning Officer, Maidstone Borough Council
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INTERESTED PERSONS:

Councillor David Marchant	Local resident and Ward Councillor
Richard Knox-Johnston	CPRE
Brian Page	Otham Parish Councillor
John Leeds	Local resident
John Dyer	Local resident
Anthea Gwinnett	Local resident

ADDITIONAL DOCUMENTS SUBMITTED AT HEARING

- 1 Letter notifying date time and place of Hearing
- 2 Summary of council's statement
- 3 SEPLAN policy T1
- 4 Extract from Maidstone Borough-Wide Local Plan proposals map
- 5 Maidstone Borough-Wide Local Plan policies ENV24 and T21
- 6 Extracts from Maidstone Borough Council Green Spaces for Maidstone Strategy
- 7 Extracts from Maidstone Landscape Character Area Assessment
- 8 Maidstone LDF Core Strategy DPD Preferred Options January 2007
- 9 Maidstone LDF Core Strategy Background document BD2
- 10 Kent County Council Planning Floodlighting Guidance Note
- 11 Statement of status of Core Strategy