

APPLICATION: MA/13/0358 Date: 1 March 2013 Received: 1 March 2013

APPLICANT: Marden Cricket & Hockey Club & Alan Firm

LOCATION: LAND OFF, MAIDSTONE ROAD, MARDEN, KENT

PARISH: Marden

PROPOSAL: Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, tennis courts, cricket nets, floodlights, clubhouse and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for subsequent approval. Amendments to and resubmission of application MA/11/0361 as shown on drawing nos. DHA/7275/01revB, DHA/7275/04revA, JEC/336/01, T0072/SK005 and T0072/SK006 and Design and Access Statement, Planning Statement, Landscape Statement, Ecological Scoping Survey, Reptile and Amphibian Survey, Dormice Survey, and Acoustic Survey received 01/03/2013 and Ecology update letter of opinion, Habitat map and drawing nos. T0072/SK003revB and T0072/SK007 received 24/04/2013.

AGENDA DATE: 6th June 2013

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Marden Parish Council
- Councillor Nelson-Gracie has requested it be reported for the reasons set out in the report

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV26, ENV28, ENV49, T13, T21, T23, CF14
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

2.1 The only relevant planning history is the following application:

MA/11/0361: Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, hockey practice area, tennis courts, cricket nets, floodlights, club house and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for subsequent approval: REFUSED 11/10/2012

- 2.2 The application was considered by the Planning Committee on 11 October 2012. Members overturned the officer recommendation to grant outline planning permission and refused permission on the following ground:

The development would by virtue of the scale and intensity of development result in unacceptable harm to the character and appearance of the surrounding countryside and the amenities of occupiers of nearby residential properties. To permit the development would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, policies C4 and CC6 of the South East Plan 2009 and the advice in the NPPF 2012.

- 2.3 This current application has been submitted following pre-application discussions with Officers and Members. The application's main changes are as follows:

- A reduction in the proposed developed area of the application site (equating to 4.5 ha more of proposed landscaped area);
- Provision of a Community Orchard;
- Deletion of the previously proposed hockey practice area;
- Reduction in the number of proposed floodlit tennis courts to two (previously four). The tennis courts have been moved to a location to the north of the multi-use pitches;
- The car park has relocated eastwards to a position north of the proposed clubhouse;
- The clubhouse is now 'L-shaped' and has a dual aspect facing towards both the hockey pitches and the cricket ground;
- The amended layout avoids the need for a formal diversion of the Public Right of Way which crosses the site;
- Provision of a more detailed and comprehensive site landscaping strategy;

3. BACKGROUND

- 3.1 The applicant's existing site is located on Albion Road/Stanley Road, Marden to the south east of the village centre. It lies outside the defined village boundary, although immediately adjoins the village boundary to the north and the west. This part of the countryside has no particular landscape or other designation in the Maidstone Borough-wide Local Plan 2000.

- 3.2 The existing site is 4.2ha in area and accommodates a cricket pitch, an 'Astroturf' pitch and two tennis courts. The 'Astroturf' pitch is currently lit by temporary demountable floodlights, attempts to secure permanent floodlighting having been unsuccessful in the past due to the impact on the amenities of nearby residential properties.
- 3.3 The club have a desire to develop a high quality sports facility but do not have sufficient existing funds to provide these facilities as their existing funds only cover necessary upkeep and maintenance of the existing grounds and buildings. Other funding sources have been explored so far without success. As part of the potential funding strategy, relocation of the facilities and redevelopment of the existing site to release funding have also been considered.
- 3.4 As such, the site was put forward as a potential development site in the Strategic Housing Land Availability Assessment (SHLAA) in 2009 and was rejected for the following reasons:-
- 'The site is currently used for cricket and hockey. The loss of recreational space would be subject to the tests of Policy ENV23, namely that there is no local deficiency of recreational space and alternative equivalent provision can be made. The identification of this constraint makes the achievability of the site uncertain; it is beyond the remit of this SHLAA to assess the suitability of the alternative site put forward for the cricket and hockey club and to assess deficiencies in local provision.'
- 3.5 The current application has been submitted following a search in the Marden area by the club for a suitable alternative site that also meets the club's desire to provide a high quality sports facility improving the current facilities. The chosen site had to be suitable in terms of its location, topography and drainage. It also needed to be large enough to accommodate the club's aspirations for its facilities.
- 3.6 Any proposals for the redevelopment of the applicant's existing site do not form part of this application and would, if they come forward at a future date, be dealt with through the Local Development Framework process, particularly the Development Delivery Local Plan which is still scheduled for adoption in 2015.
- 3.7 There is no current planning application for the redevelopment of the applicant's existing site.
- 3.8 The current planning application must be considered and stand or fall on its own individual planning merits.

4. CONSULTATIONS

4.1 Marden Parish Council: Wishes to see the application REFUSED and make the following comments:-

'MPC acknowledges that the amount of development on the site has been reduced although the footprint remains the same, but it was unanimously agreed that the application should be REFUSED on the following grounds:

Clearly it is an application to relocate existing village facilities from a site which has enough suitable land to extend without the need to encroach into the open countryside and thus the application constitutes unsustainable development which could be avoided.

The positioning of the tennis courts with floodlighting is now significantly closer to adjacent residential properties than the previous application, and thus the application is even more detrimental to the amenities of the occupiers.

Furthermore, if the floodlighting is not retractable/demountable, it will be viewed by neighbours and users of the nearby public footpath and B20789 Maidstone Road even when not in use, and thus the application will result in unacceptable harm to the character and appearance of the surrounding countryside.

The proposed clubhouse is larger and closer to adjacent residential properties than before, with the risk of light and noise pollution to neighbours and thus appears to be further detrimental to the amenities of the occupiers.

Therefore MPC feel the reasons for refusal previously given by MBC on 11th October 2012 remain valid despite the amendments subsequently made to the application.

Detrimental to amenities of neighbours
Unacceptable harm to countryside

Furthermore, clarification is requested on the following aspects before a final decision is made:

- The nature and detail of the pedestrian access route along the north side of railway including whether it will be dedicated as a public right of way and if it will be a gated footpath.
- The footway along Maidstone Road to the north of the site has been omitted from the application drawing and full details regarding this pedestrian access route need to be provided.
- What is a community orchard and how are the community to run and/or use it?

If MBC are minded to approve the following conditions should be applied:

- If the sports facility ceases business the land must be returned to an agricultural nature in its entirety.
- Time-limit for usage of the club house – controlled to minimise nuisance from noise (e.g. loud music etc)
- Floodlights – no use after 9pm
- Floodlights – should be retracted/demounted when not in use
- The southern pedestrian access should be dedicated as a public right of way connecting Maidstone Road with existing public footpath along the east side of the site
- That a safe footway be provided along Maidstone Road to the northern side of the site
- That the developers allow access prior to and during construction for archaeological investigations into the historic PLUTO pipeline and associated gateway.

If MBC recommend refusal, Councillors do not wish it to go to Committee but if MBC recommend approval, Councillors wish it to be called in to the Committee in order that objectors can make representations in person.'

4.2 **Natural England:**

'The protected species survey has identified that the following European protected species may be affected by this application: Dormice and Great Crested Newt.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a "reasonable likelihood" of these species being present. They also provide advice on survey and mitigation requirements. The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

How we used our standing advice to assess this survey and mitigation strategy

We used the flowchart on page 6 of our Standing Advice Species Sheet: Hazel Dormice beginning at box (i). Working through the flowchart we reached box (xvi). Box (xvi) advises the authority that "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements".

We used the flowchart on page 8 of our Standing Advice Species Sheet: Great crested newts beginning at box (i). Working through the flowchart we reached box (viii). Box (viii) advises the authority to accept the findings and consider promoting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with NPPF and Section 40 of the NERC Act.'

- 4.3 **KCC Ecology:** Originally commented that the surveys produced for the earlier application could be out of date due to their age and possible changes in the management of the site. It was recommended that a further scoping survey be undertaken.

A revised scoping survey was subsequently submitted and the following comments received:-

'An ecological scoping survey has been submitted confirming that there has been no change in the habitats present on the site since the previous species specific surveys were carried out in 2011. As a result we are satisfied that there is no requirement for additional surveys to be carried out prior to determination of the planning application.

A habitat map has been submitted with the ecological scoping survey. The map does not provide sufficient information – ideally a second map should also have been submitted showing only the proposed development area. The second map would have shown the habitats present in much more detail – for example the location of the mature trees.

However on this occasion we do not require an additional habitat map to be submitted as the photos included in the updated ecological scoping survey have provided clarity to the information provided.

Reptiles

The reptile survey identified that slow worms were present along the northern boundary of the site. The landscaping plan details that tree planting and a grassy south facing bank has been proposed along the northern boundary. A precautionary approach must be used when carrying out any landscaping in this

area. We recommend that refugia is incorporated in to the grassy bank and it is managed for reptiles.

The ecological survey has recommended that a reptile fence is erected around the site however we feel that this may not be necessary. As other than the proposed planting along the northern boundary, the footprint of the development will not be impacting the suitable reptile habitat. Instead we recommend that, if reptile habitat is being impacted, heras fencing is erected around the site to prevent any construction traffic going on to the suitable reptile habitat. The management of the site must continue to ensure the site remains unsuitable for reptiles.

Bats

Lighting can be detrimental to roosting, foraging and commuting bats. All lighting (including floodlighting) proposed for the development must be designed to have limited impact on any bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The landscape plan highlights that areas of the site are proposed to be designed to create areas for wildlife. These proposals are welcomed. We recommend that, as condition of planning permission, a management plan is produced for the site to ensure that these areas are managed appropriately for biodiversity.'

4.4 KCC Heritage Conservation:

Have confirmed that they have no comments to make

4.5 KCC Public Rights of Way Officer:

'The proposed development site is crossed by Public Right of Way KM274. The location of this footpath is indicated on the attached map extract. The existence of the right of way is a material consideration. The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

I note that the access driveway for the site follows the line of footpath KM274 from where it begins at Maidstone Road until it reaches the proposed permanent car-park. Please inform the applicant that for safety reasons:

- A footway needs to be installed on the access driveway to separate any walkers from motorised traffic. Due to the alignment of the path on historical maps, this footway must be on the west side of the driveway.
- A safe crossing point will need to be added where any pedestrians need to cross this driveway to continue on the footpath.
- Any proposed changes to the surface of the path, including hard surfacing, need to be approved by this office before work begins on the ground.

As long as these details are incorporated into the final plans, then I have **no objection** to the application.

Please inform the applicant of the following General Informatives:-

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be brought onto site or stored on the Right of Way.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.'

4.6 Environment Agency: Do not object and comment as follows:-

'We have reviewed the information submitted and have no objection to the principle of the proposal and recommend the following as a condition of planning:

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Additional Information

Please note that this development lies on a minor aquifer for a potable water supply therefore we offer the following advice:

- Drainage to soakaway from car parking areas for more than 50 spaces should be passed through an oil interceptor before discharging to ground. Note: cleansing agents can negate the effect of petrol interceptors. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.
- Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
- Foul drainage from the clubhouse should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable. No permit will be issued for foul treatment discharges to SPZ1 of when there is a risk to groundwater in terms of volume of discharge or inadequate attenuation capacity in the underlying materials due to soils/rock type or depth to groundwater. We also refer you to our document Groundwater Protection: Policy and Practice (GP3) that is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>.

4.7 **Upper Medway Internal Drainage Board:** Do not object but comment as follows:

I can confirm that the site is outside of the Upper Medway Internal Drainage Board's district and is unlikely to directly affect the Board's interests. However, the site is thought to drain eventually to the Board's district and onto the River Beult. I would therefore recommend, should the Council be minded to approve this application, that the applicant be requested to carry out a drainage assessment, detailing the existing surface water drainage routes and flow rates and the proposed drainage arrangements. Although a large part of the site is likely to remain relatively unaffected (in terms of drainage), drainage rates are likely to be significantly increased from the sports pitches, clubhouse, access and parking areas. The applicant must clearly demonstrate that downstream flood risk will not increase as a result of this development proposal.

4.8 Southern Water:

No objections but have submitted a plan showing the approximate position of a public sewer that crosses the site. They advise that nothing should be built within 3m of the centre line of the sewer, that it should be protected during the course of development and that there should be no soakaway within 5m of the sewer. They also wish a condition requiring the submission of foul and surface water drainage details is attached to any permission together with an informative advising the applicant that it will be necessary to make a formal application for connection to the public sewer.

4.9 Kent Highway Services:

'The access arrangements are not changed from that proposed under the previous application number MA/11/0361. The access is 5.5m in width with adequate vision splays onto Maidstone Road. Signing is to be provided, details to be agreed with KCC Highways.

Pedestrian routes are proposed between Maidstone Road westwards on the north side of the railway line; along Maidstone Road with a new pedestrian link being provided and also via a public footpath from Howland Road.

All work within the highway should be completed under a Section 278 Agreement.

Tracking diagrams have been provided which were requested but not available with the previous application and these indicate that coaches will have difficulty accessing the site. Please could this issue be addressed.'

Further discussions subsequently took place between Kent Highways and the applicants. The applicants have advised that the largest vehicle likely to regularly visit the site is a refuse vehicle and have provided swept-paths showing this can be accommodated on the access road. Kent Highways have requested that a

condition is imposed preventing coaches accessing the site. Such a condition would not meet the required tests and cannot be imposed. The applicants have provided the following statement.

'The Club have confirmed that visits to the site by coach would be extremely infrequent and when and if they did occur, would be known in advance. Accordingly, on these few occasions, separate arrangements can be made and this can be addressed within the Travel Plan for the site.'

I consider this to be a reasonable and practical approach.

4.10 **Network Rail: Do not object**

'There is no objection in principle to this proposal however as the development is adjacent to the railway Network Rail has the following comment to make.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Due to the close proximity of the proposal to the embankment and Network Rail property the application should immediately contact Network Rail's asset protection team on AssetProtectionWessex@networkrail.co.uk who will assist in managing the construction and commissioning of the project.

Reason: To ensure the safe operation of the railway during construction and commissioning of the project.'

4.11 **Sport England: Do not object and comment as follows**

'The application proposes a new sports club ground to include cricket pitches, hockey pitches, tennis courts, cricket nets, floodlights, club house and associated car parking. It is proposed that this site will allow the Marden Cricket & Hockey Club to relocate from its current location off Albion Road.

It is understood that the intention is that the redevelopment of the current site will fund or partially fund the relocation and new provision proposed as part of this application. Any proposals for the redevelopment of the existing site are not covered by this application.

The application proposes the provision of new and improved sports facilities and increases opportunities for participation in sport. In this regard, it is considered that the principle of the development is consistent with the following policy objective:

Planning Policy Objective 7 within Sport England's Spatial Planning for Sport and Active Recreation: Development Control Guidance Note (2009) Appendix (http://www.sportengland.org/facilities_planning/developing_policies_for_sport.aspx), aims to support the development of new facilities, the enhancement of existing facilities and the provision and/or improvement of access to the natural environment which will secure opportunities to take part in sport and which can be achieved in a way which meets sustainable development objectives. Sport England's policy is consistent with that of the Government's set out in the NPPF.

As such, Sport England raises no objection to the principle of the development.

As part of the planning application consultation, Sport England has consulted the relevant national governing bodies of sport, including the ECB, EHB, FA and LTA, who were broadly supportive of the principle of the development. That said, some concerns were raised with regards to the proposed scheme, summarised below:

ECB

- § Specific regard should be had to ECB technical specifications (www.ecb.co.uk/techspecs) and in particular:
- § TS4: Recommended Guidelines for the construction, preparation and maintenance of cricket pitches and outfield at all levels of the game
- § TS5: Pavilions and Clubhouses

FA

- § If the proposed 3G AGP is proposed for football use this would need to meet FA standards (www.thefa.com) on AGP's and ideally be a 60mm surface
- § If there is any scope for grass pitches on the site, i.e. cricket pitch outfield for mini-soccer

LTA

- § Floodlighting all 4 tennis courts would be to the benefit of users of the tennis courts and greatly increase the likelihood of an operator running a successful tennis coaching programme all year round
- § The proposed court block appears to run quite close to the tree line. It would be beneficial to position the court further from the tree line if possible to avoid plant

debris falling on to the courts regularly that will damage the surface if it is not swept regularly. Given the volume of trees nearby to the courts it would be essential to include a root barrier in the construction of the court block to protect the integrity of the top surface.'

4.12 **UK Power Networks:** No objections

4.13 **MBC Landscape Officer:** No objections

'Drawing no. JEC/336/01, 'landscape proposals', submitted by the applicant in relation to this new outline application is much improved from the landscape masterplan relating to MA/11/0361. The main improvements are in terms of the increased extent of landscaping, the creation of community orchard, landscape connectivity and restoration of the pond to the southeast of the site.

The general principles of the Landscape Statement produced by Jon Etchells Consulting are also acceptable. Clearly, should this outline application be granted consent, the landscape proposals will be refined with full details being submitted for approval at a later stage.

I therefore raise no objection to this application on arboricultural grounds and in relation to landscape principles subject to conditions covering tree protection and landscaping, including the provision of implementation details, a maintenance specification and long term management plan.'

4.14 **MBC Environmental Health:** No objections

'According to the Design & Access statement this latest application Primarily, "this scheme represents a significant reduction in the extent of development from the previous proposals, containing the developed area wholly south of the public footpath, negating the need for a formal diversion and providing for increased levels of landscaping". The original planning application, MA/11/0361, was refused in December 2011 on the grounds of scale and intensity of development. Environmental Health commented on that application and would like to reiterate what was recommended then.'

No objections are raised subject to conditions relating to lighting and contamination and informatives governing hours of work and conduct on site during construction and waste management.

5. REPRESENTATIONS

5.1 **Cllr Nelson-Gracie** wishes the application to be brought before the committee as it is a major application and of interest to a large number of Marden residents.

5.2 **Forty-seven** representations **objecting** to the proposals have been received, including from CPRE Protect Kent, The Marden Society and Marden History Group. Objections are raised on the following (summarised) grounds.

- Whilst changes have been made, the application has not significantly changed from the previously refused MA/11/0361. That was refused and so should this application be.
- Over 600 people in the village signed a petition against the last application. This represents a far better idea of village opinion than the Club Members who are only a small proportion of the villagers.
- The proposed site is and will result in more noise and disturbance and more traffic.
- Floodlighting the site would be a problem to nearby residents and would be misplaced in a rural setting.
- Maidstone Road is a main road with fast moving traffic and there are no pavements, access is unsafe.
- The new facility would be an eyesore on the edge of the Village and the use of agricultural land would be disappointing and unnecessary.
- There used to be a sheep dip on the proposed site of the new facility and there would therefore be environmental issues with regards to chemicals used at that time.
- The P.L.U.T.O. pipeline dating from World War II runs under the vehicular access road to the site. It is unclear how the development will impact on this.
- At present there is no funding for the proposed site and it is understood that this will be rectified by building houses on the current cricket club site, to which there is a strong objection. There are other places planned for development within the village and the cricket pitch does not need to be one of them.
- Marden needs its sports facility in the centre of the village not on a plot of land designated to make a large profit for the land owners involved.
- The large scale development of open countryside for recreational purposes is unacceptable, particularly as the sports club already seems to enjoy good facilities for a village of this size. Policy ENV28, whilst in principle allowing open air recreational uses, precludes development that would harm the character and appearance of the area. The proposed development fails this test.
- Surface water flooding and drainage could be a problem from such a large area.

5.3 **Twenty-nine** representations **in support** of the application have been received. The following (summarised) points are made.

- The new facility will help the club to expand and attract new younger members safeguarding its future.
- The new site would enhance the facilities available within the village.
- Would provide certainty for the future.
- The existing facilities cannot easily be expanded further due to the site's constraints such as nearby residential properties.

- More young people will be encouraged to play sport and be taken off the streets and enjoy healthy activity.
- The club has a long history and these proposals would safeguard its future.

6. CONSIDERATIONS

6.1 Site Description

- 6.1.1 The site comprises a parcel of land some 8.39ha in area. It is located on the north side of the Ashford-Tonbridge railway-line to the east of the B2079 Maidstone Road, Marden. It is located to the north of the existing settlement of Marden and lies in the countryside on land which has no designation in the Maidstone Borough-wide Local Plan 2000. The defined village boundary of Marden ends at the railway bridge on Marden Road approximately 250m southwest of the western site boundary. The railway line was specifically chosen as a boundary to the village to prevent development to the north, which is more rural in character.
- 6.1.2 Maidstone Road is served by a very limited 'bus service (Routes 27, 28 and 29), operated by both Arriva and Nu-Venture. Buses do not operate on a Sunday. Services along Maidstone Road are in the main timed to coincide with the beginning and end of the school day Mondays to Fridays and the service is even more limited on Saturdays. More buses on Route 26 serve the centre of Marden however, but these do not directly pass-by the site.
- 6.1.3 The site is currently planted and farmed as an apple orchard which has been in existence in its current form since around 2005. The planting regime uses modern production techniques and smaller easy to harvest, very evenly spaced and regimented root stock. The land is Grade 2 agricultural land.
- 6.1.4 The site is currently crossed by Public Right of Way (PROW) KM274 which enters the site in its south eastern corner after following a track running north from Howland Road in the vicinity of Bridgehurst Farmhouse and over the railway line and past an existing barn, that lies just outside the site, before cutting diagonally across the site in a north westerly direction and emerging onto Maidstone Road along the line of the proposed vehicular access to the site.
- 6.1.5 Existing mature tree and hedge cover is found along the southern site boundary adjacent to the railway line, with a pond in the south east corner. Further tree cover is found along part of the northern boundary and along the boundary of the proposed access road with adjacent residential properties. There are a number of residential properties that front Maidstone Road and whose gardens (and additional land in their ownership) back onto the application site. The

southern boundaries of these properties are formed by a mixture of fencing and sparser tree/hedge planting.

- 6.1.6 Additional agricultural land lies to the north and east, beyond which, some 1km to the east, is Bridgehurst Wood an area of ancient and semi-natural woodland of around 5.82ha.
- 6.1.7 The site lies within the 25-30m Ordnance Survey contour and is therefore at a similar level to the central part of the village. Land within the site does fall gently in a southerly direction. Levels within the site are generally uniform although there is a bank with a hedge on top that runs north-south through the centre part of the site. The bank is steeper towards the south with a difference of approximately 1.5m between the two halves of the site which fades-out into the levels of adjoining land as it runs northwards. The southwest corner beyond the site boundary rises towards the area adjacent to the railway line.
- 6.1.8 Maidstone Road, from which pedestrian access to the site would be gained, runs northwards from the centre of the village. On the eastern side of the road there is an existing continuous footway that extends up to and beyond the railway bridge and which continues approximately 45m past Highfield House which is located to the north of the railway bridge. This side of the road currently has street-lighting as far as the frontage of Highfield House. The footpath on the western side of Maidstone Road extends as far as the railway bridge and is also lit.

6.2 Proposal

- 6.2.1 The application is an outline planning application and seeks consent for the provision of new sports club ground (to include cricket pitches, two artificial multi-purpose/hockey pitches (1 floodlit), four tennis courts (2 floodlit), cricket nets, floodlights, club house and car parking), including change of use from agriculture.
- 6.2.2 Only access is to be determined at this stage with and all other matters reserved for subsequent approval (scale, layout, appearance and landscaping).
- 6.2.3 An illustrative masterplan including strategic landscaping has been submitted as part of the application documentation and shows the provision of a new cricket ground with 9 playing pitches in the square, two multi-purpose artificial pitches suitable for hockey and football (only 1 would be floodlit), cricket nets, a clubhouse, grounds maintenance equipment shed, 4 hard-surfaced tennis courts (2 would be floodlit) and a 60 space car park. An overflow car park area is indicated but no capacity is suggested. It is likely that the multi-purpose pitches,

hockey practice court and tennis courts will be fenced. The pitches indicated are shown to scale to the relevant standards that apply.

- 6.2.4 The submitted masterplan also shows the provision of a community orchard to the north east of PROW KM274, which would be retained on its current line. Woodland planting on a 1.5m high landscaped bund would be introduced along the northern site boundary. Species include Field Maple, Oak, Hawthorn, Blackthorn, Elder and Hazel. Tree and hedge planting would be undertaken around the site boundaries with Alder Trees at 10m centres on the southern boundary with the railway and Lime trees planted around the cricket ground and along the site's western boundary. The pond and land in the south east corner of the site would be improved for ecological and amenity purposes. The site's margins would be less intensively managed and would be planted and maintained as wildflower meadows.
- 6.2.5 The clubhouse building would be no greater than two-storeys in form. It is noted that it may be possible to lower the ridge height once detailed design options for a one and a half storey building have been explored. The clubhouse is indicated as an 'L-shaped' building that faces both the hockey pitches and the cricket ground. It is shown with its longest arms at 32m and a width of 15m giving a ground coverage of approximately 750m². This compares to the previous clubhouse building which was rectangular and 23m in width and 35m in length a ground coverage of approximately 805m².
- 6.2.6 At present it is envisaged that the clubhouse would include the following facilities:
- Player Changing facilities;
 - Toilets and showers;
 - Bar area;
 - Club Meeting Room;
 - Storage/Admin/First Aid areas
- 6.2.7 A detached grounds maintenance building is also shown located to the north of the clubhouse. This would be some 13m in length by 10m in width.
- 6.2.8 As stated above it is now proposed that only of the artificial multi-use pitches would be floodlit. The floodlit pitch is indicated to be the easternmost, closest to the proposed clubhouse. The floodlights would be mounted on 8no. columns up to 15m in height. It is indicated in the planning statement that the lighting would utilise 'Phillips OptiVision' asymmetric luminaire technology (or similar).
- 6.2.9 Vehicular access to the site would be provided by an existing agricultural access track from Maidstone Road into the northwest corner of the site. This would be surfaced in tarmac to a width of 5.5m, thus allowing two vehicles to pass.

The existing PROW KM274 that passes along the track would be maintained at 1.8m in width on the southern side of the trackway at the request of the KCC Public Rights of Way Officer. The bell-mouth of the access at its junction with Maidstone Road would be widened to accommodate the refuse vehicle. To accommodate the separate footpath, there would be some widening on land within the applicant's control on the north side of the track to ensure the 5.5m width is maintained. The site masterplan indicates that the PROW would be no longer be diverted around the northern and eastern sides of the proposed cricket ground as before, but would keep its existing line, across the site towards the south east corner of the site.

- 6.2.10 Pedestrian access would be provided from two points onto Maidstone Road. As stated earlier (paragraph 6.1.8) Maidstone Road is lit by street-lighting and has a continuous footway on its eastern side running beyond the railway bridge past Highfield House. On its western side, the footpath from the village centre stops at the railway bridge.
- 6.2.11 The first pedestrian access would involve a new footpath running directly along the north side of the railway, on land currently owned by Network Rail. It would be located to the south of Highfield House and would run eastwards into the site and then continue as a permissive path until it joins existing PROW KM274 by the site's eastern boundary.
- 6.2.12 Provision of this access would not require any additional works in Maidstone Road as a footpath and street-lighting currently exist to the point where the new footpath would commence. The new pathway would be lit. Network Rail have confirmed in principle that this arrangement is acceptable but negotiations are still on-going with the applicants to enable the provision of the path. Within the site, existing planting on the southern side adjacent to the railway would be enhanced and the boundary with the site along the footpath formed by a hedgerow.
- 6.2.13 The second access would involve extending the existing footway on the eastern side of Maidstone Road, from where it currently finishes to the north of Highfield House, northwards to an existing agricultural access on the applicant's land from Maidstone Road to the west of a property known as 'The Hollies'. There is sufficient land within highway limits to enable the construction of a surfaced and kerbed pavement of a minimum width of 1.2m along its entire length (approximately 350m). This footway would be lit. Provision of both footways would require an agreement under s278 of the Highways Act between the applicants and Kent Highway Services.
- 6.2.14 If permission is granted for the current proposals as set out in the background section earlier in the report this would potentially enable the relocation of the

club from their existing facilities in Albion Road Marden. The existing site is 4.2ha in area fronting both Stanley Road and Albion Road. The current site accommodates a cricket pitch an 'Astroturf' pitch and two tennis courts. The 'Astroturf' pitch is currently lit by temporary demountable floodlights, attempts to secure permanent floodlighting having been unsuccessful in the past.

6.2.15 Surface water drainage is indicated to utilise a SUDS based system. The method of foul water disposal has not been determined at this stage. There is a public sewer that crosses the part of the site where the pedestrian access is proposed. It may therefore be possible to connect to this, provided appropriate capacity exists.

6.3 Principle of Development

6.3.1 As stated earlier in the report, this application should not be considered on the basis of how it may relate to any possible future proposals for the applicant's existing site. It must stand or fall on its own individual merits.

6.3.2 I do consider however, that whether the principle of development on this site is acceptable should be assessed on three principle issues, policy at central government and Development Plan level, site selection and location and the need for the development.

Policy

6.3.3 The application site is located in countryside outside the defined settlement boundary of Marden village. Policy ENV28 of the Maidstone Borough-wide Local Plan 2000 is therefore relevant to the consideration of the application. Policy ENV28 does allow for the development of open air recreational uses and ancillary buildings providing operational uses only, but is subject to a caveat that development should not harm the character and appearance of the area or the amenities of surrounding occupiers and include measures for habitat restoration and result in no net loss of wildlife resources. These issues are dealt with in more detail later in the report. It was considered that the previous application harmed both even though in outline.

6.3.4 The National Planning Policy Framework (NPPF) sets out core planning principles, including high quality design which should take account of the different characters of different areas whilst recognising the intrinsic character and beauty of countryside and contribute to conserving and enhancing the natural environment (paragraph 17). It also promotes the health social and cultural well-being of communities.

- 6.3.5 Paragraph 73 of the NPPF advises that access to high quality open spaces and opportunities for of sport and recreation can make an important contribution to the health and well-being of communities. Provision should be based on a quantative and qualitative assessment of need.
- 6.3.6 In principle therefore, I do not consider that the development of the site for the proposed sport/recreation facility, is contrary to the provision of the Development Plan or government policy subject to its impact on the character of the area and residential amenity being acceptable.

Site location and selection

- 6.3.7 Paragraph 3.5 earlier in the report sets out the search parameters for an ideal site. It needs to be relatively level, well drained, accessible and well related to the village. The NPPF states at paragraph 73 that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Given the need to ensure that the new facility is at least equivalent to the existing in quantative and qualitative terms, this narrows the possibility of finding suitable sites further. I have assessed the criteria used by the applicants and concur with the approach that they have taken.
- 6.3.8 It is fact that much of the land to the west of Marden lies within a Flood Risk area and as such is unsuitable for the proposed development. Potentially suitable areas of land to the south of the village include sites that are linked to the SHLAA and therefore likely to be put forward for housing development in due course. There could potentially be land available off Pattenden Lane but this is considered to be more remote and less accessible from the settlement than the current site. Some of this land is also within a flood risk area.
- 6.3.9 I consider the proposed site to be appropriately located adjacent to the settlement. It is in an accessible location relative to the main housing areas and the centre of Marden and on a main route into the village but north of the definitive boundary of the railway line.
- 6.3.10 Whilst there are no national standards for accessibility, the Council's Green Spaces Strategy 2005 (following appropriate study and assessment of the consultation responses at the time) devised its own standards and advises that a 10-15 minute walk (equivalent to a 1.2km distance) is the appropriate accessibility threshold being the furthest that most people are prepared to walk to an outdoor sports facility. The proposed site meets this threshold.
- 6.3.11 The most likely pedestrian access point to the site is located approximately 200m from the junction of Maidstone Road and the High Street. This is clearly

within the distance set out in the Green Spaces Strategy. Due to the configuration of the village, the proposed site is not located substantially further away from the main residential areas west of the railway station and High Street than the current site. The existing clubhouse on the club's existing site is located approximately 270m from the junction of High Street and Maidstone Road.

Need

- 6.3.12 The issue of need is less clear-cut. Clearly the applicants have a desire to improve the facilities that the club offers. In addition they have also reached the conclusion that it is not possible to achieve this on the existing site primarily due to its constraints being located much closer to residential properties than the proposed site and the fact it has not been possible to provide permanent floodlighting to the relevant standard and the internal arrangement of the site not being ideal, together with the funding issues that they have. These issues relating to funding have also led to the situation which the club finds itself in, through having to find an alternative site to enable the potential sale/redevelopment of the existing site to be considered through the LDF process and potentially generate a funding stream. The desire of the club to expand is laudable but that in itself should not be seen as an overriding factor weighing in favour of the proposal, although wider community benefits from the increased facilities would potentially ensue.
- 6.3.13 A more technical assessment of need can be found by analysing the Council's Green Spaces Strategy which sets out standards for various types of open and green spaces. Based on the 2007 figure in the strategy the standard for Outdoor Sports Facilities in rural areas is 2.7ha/1000 population.
- 6.3.14 Marden is located within the Southern Maidstone study area which overall has 2.98ha/1000 population which is in excess of the standard. However at a Ward level, Marden and Yalding Ward have some 16.42 ha of Outdoor Sports facilities which equates to 2.08ha/1000 population which is below the standard. In this respect the site could be said to address some of the shortfall in provision. It is noted, however, that the Green Spaces Strategy advises that in the Southern Maidstone study area overall that the focus should be on improving quality levels rather than the provision of new facilities.
- 6.3.15 The applicant's existing site has grown incrementally since the 1920's when it was first brought into use. There are regular problems and complaints from residents on Stanley Road about balls etc. going into gardens, damage to cars and even the properties themselves, the layout of the site is not ideal with the clubhouse being poorly located in relation to the multi-use pitch. To amend this would require a significant reorganisation of the site. The hockey pitch is not floodlit to modern standards largely due to the juxtaposition of the site and

nearby dwellings. The club have sought permission on three occasions for permanent floodlighting and in 1996 took the matter to an appeal (which was dismissed on 06/03/1997 under application MA/96/0815). Permission has also been refused (MA/99/1243 on 24/09/1999) for the erection of 3m high fencing on the grounds of its adverse visual impact. The lack of a pitch that complies with the required lighting standard results in the hockey teams having to travel to train elsewhere.

6.3.16 The development would however, clearly result in the loss of what is Grade 2 agricultural land. The site was selected following consideration of other sites in the Marden area and was found to be the most practicable and suitable option for the reasons outlined and assessed earlier in the report. Balanced against the loss are the benefits of enhanced sport and recreation provision. On balance, the benefits of the shortfall in provision being addressed and the improved facilities improving opportunity and also reducing the need for teams to travel elsewhere, outweigh the loss of the land from agricultural production in this instance.

6.3.17 I consider that having assessed the proposals in terms of policy at a national and Development Plan policy level as well as the site selection and location and need, that the development is in principle in accord with Development Plan and national policy.

6.3.18 The proposed site would enable the shortcomings of the club's existing site to be addressed. In addition, the site is acceptable in terms of its location and will meet an identified need. Furthermore the scheme will also produce enhanced quality of provision and reduce reliance on the use of sites elsewhere and provide an enhanced level of provision for this Rural Service Centre. This would particularly be in accord with the advice at paragraph 73 of the NPPF. No objections are therefore raised to the principle of development.

6.4 Impact on the Character and Appearance of the Countryside

6.4.1 As stated earlier in the report, the application site is at a similar height to the centre of the village, lying as it does between the 25m and 30m contour levels. The development will not therefore sit on higher land than the majority of its surroundings including the land to the south of the railway line which sits in a shallow cutting as it passes the site.

6.4.2 In respect of long and medium distance views, due to this topography the site is not currently readily visible from publicly accessible vantage points in long or medium distance views. Screening is provided by the railway and planting along it to the south and by the houses along the western and northern site boundaries. The existing orchards to the east of the site also provide screening as does the woodland beyond these.

- 6.4.3 Looking south along Maidstone Road towards the site the land rises gently towards the south. The fields are flat and open being low arable crops rather than orchards. Nevertheless existing 5m high hedgerow planting between the field and the site boundary currently screens the site from view. This would be retained.
- 6.4.4 The site is visible in short distance views, particularly of course from PROW KM274 as it crosses the site in its current alignment, now to be maintained and from the rear of the houses located to the north and west of the site. Glimpses of the site can also be had from the field gate on Maidstone Road to the west of The Hollies.
- 6.4.5 The element of the development most likely to be visible is the floodlighting, to the tennis courts and the multi-activity pitch. The tennis courts have now moved much nearer to the residential properties to the north of the site. The two easternmost pitches are to be floodlit. These are located approximately 90m from Bumpers Hall Cottage and Bumpers Hall. The lighting for the courts would only be needed to illuminate the surface area of the two courts themselves, which are smaller than the multi-use pitch and the columns would be lower than the columns for the multi-use pitches. I consider that given appropriate design a separation of 90m would be acceptable. With regard to the one floodlit multi-use pitch a light plot plan for that pitch has been submitted. The columns here are likely to be up to 15m in height. I consider that the impact of both the hard court and tennis court floodlights can be adequately controlled by means of a suitable condition.
- 6.4.6 The proposed indicative landscaping on the site perimeter will also assist in further reducing impact over time. Clearly the potential height of the columns (15m) and the introduction of lighting onto the site will result in some light intrusion into this rural area which is currently largely unlit. It is the case that the site is located in Zone E2 (rural, small village or relatively dark urban locations) as set out in the Institution of Lighting Engineers (ILE) Guidance Notes for the Reduction of Obtrusive Light, the second most sensitive zone.
- 6.4.7 The applicants have advised that any lighting system will use appropriate cut-off and anti-glare measures to reduce light spillage. A pre-curfew level of 5 Lux measured at the windows of potentially affected properties is the level recommend in the ILE Guidance for Zone E2. The details submitted with the application show a significant level of cut-off can be achieved and that light levels are reduced to 1 LUX or less at around 25m from the site boundary to the north and 50m to the west. The applicants are content that the lighting is switched off no later than 22:00 hours, which is before the curfew time of 23:00 hours mentioned in the ILE guidance.

- 6.4.8 The northern site boundary is located approximately 40m from the rear of The Hollies and Holly Cottage, 55m from the rear of 1 and 2 Bumpers Hall Cottages 70m from Bumpers Hall and 90m from Lanorna, the curtilage of which is bounded by a dense tall hedgerow along the site access road. The nearest floodlit pitch would be sited approximately 140m from The Hollies, Holly Cottage, 1 and 2 Bumpers Hall Cottages, and Bumpers Hall and approximately 155m from Lanorna.
- 6.4.9 To the west of the site the nearest dwellings are Church Farm and The Oast House. These are sited approximately 260m and 250m respectively from the closest floodlit pitch. The application site does not extend to the boundary of the land at the rear of these properties, as the intervening land lies outside the site and is retained as an orchard.
- 6.4.10 The additional details submitted by the applicants indicate that direct impact on the windows of nearby properties can potentially be adequately mitigated through a well designed lighting scheme and the proposed landscaping. Appropriate details can be secured through conditions and reserved matters.
- 6.4.11 Clearly, the lighting columns themselves will have some visual impact due to their indicated height and particularly when lit. In the daytime they will appear as slender structures and will not be unacceptably visually intrusive. When they are lit however, they will be seen from a wider area particularly from Maidstone Road to the north. They are not likely to be as visible in long distance views from the east, south and west of the site as topography and existing woodland limit long distance views to the site.
- 6.4.12 The resultant relationship to the countryside and nearby properties will not be dissimilar to that of Oakwood Football Club in Honey Lane Otham where permission was granted on appeal in March 2011 (application MA/09/1616) for the erection of 6 floodlighting columns, to a football pitch located some 100m from the nearest residential properties in a Zone E2 location.
- 6.4.13 This is a balanced case, but in my view the potential impact of the lighting on the visual amenity and character of the surrounding countryside and the amenities of the adjacent residential properties will not be so harmful as to render this element of the scheme unacceptable.
- 6.4.14 In addition to the impact of the floodlighting, there will be a significant change to the appearance of the site as some of existing orchard is removed and also the new community orchard planted.

6.4.15 The current site is characterised by a densely planted orchard through which the existing PROW passes. Views into and out of the site are limited due to the planting.

6.4.16 However, views are also limited by the existing hedges and tree planting around the site boundaries with the exception of the western boundary and parts of the northern boundary alongside the existing residential properties. The substantial hedgerow along the northern boundary of the site with the adjacent arable field to the north is to be retained and this currently effectively screens the site from Maidstone Road. This situation will not change as a result of the development.

6.4.17 Clearly, through the removal of the orchard (which could happen due to a change in agricultural production/practice at any time), the site will be opened up and it will be possible to see from one side to the other east to west and north to south (from the retained PROW). However, given the retention of the existing boundary planting and the enhancement that is proposed, the visual impact of the car park, cricket pitch, courts and fencing and clubhouse will be restricted to the site area in my view. The clubhouse would other than the floodlight columns be the tallest structure on the site and would also have the greatest mass. It would clearly be visible from the PROW that crosses the site and in addition, from the nearby dwellings. However, given its location in the centre of the site I do not consider that a building of up to 10m in height would be unacceptably visually intrusive.

6.4.18 I do not consider that this localised change to the appearance of the site would be unacceptable in a wider context. The visual impact will in my view be limited to short distance views from within or immediately adjacent to the site and not so harmful as to warrant refusal on these grounds. Clearly there also would be visual impact arising from the use of the floodlighting over a wider area. However, this would not in my view be so harmful as to warrant and sustain refusal when balanced against the benefits of the proposal. The relationship to the countryside and the neighbouring residential properties can be mitigated to an acceptable level through appropriate design of the lighting scheme.

6.5 Residential Amenity

6.5.1 It is clear that the residents of Maidstone Road whose gardens back onto the site will experience a change to the level of activity and potential disturbance on the site compared to its current agricultural use. It is the activity on the pitches themselves, the noise generated by vehicle movements in addition to the proposed floodlighting, that are likely to produce the greatest impact. The issue is whether the impact will be so harmful as to warrant and sustain a refusal.

- 6.5.2 To the north, the site boundary is located approximately 40m from the rear of The Hollies and Holly Cottage, 55m from the rear of 1 and 2 Bumpers Hall Cottages 70m from Bumpers Hall and 90m from Lanorna, the curtilage of which is bounded by a dense tall hedgerow along the site access road.
- 6.5.3 The majority of these properties appear to have purchased additional agricultural land at some point in the past. The additional land at Bumpers Hall has permission for the keeping of horses and there are stables and a manege sited on the land between the site and the dwelling. The land to the rear of the other properties appears to be maintained as paddock with the exception of the land to the rear of The Hollies and Holly Cottage which has been incorporated into the garden and is bounded by a hedgerow along the boundary with the application site. The other paddock land adjacent to the site is bounded by post and rail fencing and is a relatively open boundary.
- 6.5.4 The closest potential element of the proposed development to these properties comprises tennis courts located to the rear of 1 & 2 Bumpers Hall Cottages. These are indicatively shown some 15m from the site boundary and approximately 75m from the closest of the properties. There will clearly be some disturbance from the use of these courts. The two multi-use pitches are indicatively shown sited approximately 65m from the northern site boundary. The use of these will also generate noise and disturbance.
- 6.5.5 The proposed car park would be located to the south east of Bumpers Hall, at 130m approximately from the dwelling itself and around 110m from Lanorna.
- 6.5.6 The illustrative landscaping details indicate the provision of a landscaped bund along this boundary planted as woodland and the full details will be provided as part of a reserved matters application.
- 6.5.7 It is clear that activity on the site will introduce a degree of noise and disturbance into the area which is not currently experienced by adjoining residents and that this will be a noticeable change. However, given the proposed landscaping and boundary treatments and the separation between the noise sources and the dwellings, on balance I do consider that the likely relationship between the site and the existing dwellings is acceptable.
- 6.5.8 The use of the vehicular access that passes directly to the north of Lanorna will also clearly have a much greater impact on the amenities of that property than the current agricultural use of the track.
- 6.5.9 The applicants have submitted a noise survey which has assessed the likely impact of the additional traffic on residents adjacent to the access particularly Lanorna and Bumpers Hall. The survey indicates that the predominant noise

source is traffic along Maidstone Road. The survey demonstrates that at the busiest times for the club in terms of likely traffic generation (1200-1300 on Saturdays and 0800-0900 on Sundays), the impact on the facades of Lanorna and Bumpers Hall would be at its worst on Sunday mornings, when background levels are lower, but are only predicted to rise by +3dB. On Saturdays (peak movements 1200-1300) noise levels are predicted to rise by +2dB. It is recommended in the assessment that vehicles should not enter the site prior to 0800 hours on Sunday mornings.

- 6.5.10 The survey report also makes it clear that a rise of +3db is unlikely to be detected by the human ear. BS4142:1997 advises that rises in noise levels of +5dB or more is the point at which complaints become more likely.
- 6.5.11 The assessment has not addressed the potential impact of the sports activities themselves. Clearly there will also be noise generated by those activities. However, given the likely separation of the proposed playing areas from the adjacent dwellings, I do not consider that any potential disturbance would be so unacceptable as to warrant refusal. The Environmental Health section has not raised an objection to the likely juxtaposition of the sports pitches and the dwellings on amenity grounds.
- 6.5.12 However, In the light of the findings of the acoustic assessment I do consider that activity on the site should be restricted to prevent unacceptable early morning disturbance.
- 6.5.13 The report simply recommends that no traffic should enter the site before 0800 hours on Sunday mornings only. I consider however, that it would be more reasonable to prevent access by vehicles as well as activity on the site in general prior to 0900 hours on any day in recognition of the potential for general noise and disturbance associated with the use of the site other than by moving vehicles.
- 6.5.14 I am advised by the applicants that the club has a licence until 2300 hours on their existing premises and that they wish this time to apply to the proposed site. I am of the view that this is not unreasonable for a cut-off time.
- 6.5.15 The closest residential properties to the west of the site are The Oast House, approximately 160m from the site boundary and Church Farm House, approximately 170m from the site boundary. An orchard will be retained between the rear boundaries of these properties and the application site. The closest pitches will be approximately 170m from The Oast House and 180m from Church Farm House. The floodlit pitch would be approximately 250m from The Oast House and 260m from Church Farm House.

- 6.5.16 The floodlit pitch is indicatively shown some 60-80m from the northern site boundary, a distance of some 140m from The Hollies, approximately 140m in the case of Bumpers Hall and approximately 155m from Lanorna.
- 6.5.17 The applicants have advised that any lighting system will use appropriate cut-off and anti-glare measures to reduce light spillage. A pre-curfew level of 5 Lux measured at the windows of potentially affected properties is the level recommend in the ILE Guidance for Zone E2. The details submitted show a significant level of cut-off can be achieved and that light levels are reduced to 1 LUX or less at around 25m from the site boundary to the north and 50m to the west.
- 6.5.18 The applicants are content that any floodlighting is switched off no later than 22:00 hours, which is before the curfew time of 23:00 hours mentioned in the ILE guidance.
- 6.5.19 The details submitted by the applicants indicate that direct impact of floodlighting on the windows of nearby properties can potentially be adequately mitigated through a well designed lighting scheme and the proposed landscaping. Appropriate details can be secured through conditions.
- 6.5.20 Concern has been raised regarding the increased use of the southern section of PROW KM247 running from the south eastern corner of the site southwards towards Howland Road to gain pedestrian and vehicular access to the site. This it is feared could have an adverse impact on the amenities of the properties that are situated either side of the track at its southern end close to Howland Road.
- 6.5.21 The entrance to the track/PROW is some 600m east of the centre of the village on a part of Howland Road that has no footpath and it also exits onto a sharp bend in Howland Toad. The track/PROW does provide vehicular access to the railway and the agricultural land to the east and south east of the application site. Whilst footfall may increase, it is not intended that this route into the site will be the principal route for pedestrians and neither will it be the vehicular route into the site. Being a PROW, no measures to prevent or restrict access can be put in place without the agreement of the highway authority in any event. I do not consider that development of the site will result in any unacceptable impact on residents along this section of Howland Road and the PROW that leads from it.
- 6.5.22 In terms of the potential impact on residential amenity it is clear that the proposed development would have an impact on the amenities of neighbouring residential properties. This impact should be balanced against the proposed landscaping and boundary treatments and the separation between the noise sources and the dwellings also taken into account.

6.5.23 Given appropriate conditions governing hours of use on the site for both activity and the floodlighting and the proposed landscaping and boundary treatments being secured, on balance, I do consider that the likely relationship between the site and the existing dwellings is acceptable and raise no objections to the proposals in terms of the impact on residential amenity.

6.6 Highways

6.6.1 There are no objections to the development on highway grounds.

6.6.2 The access to the site has appropriate visibility at its junction with Maidstone Road to ensure safe ingress and egress. The access road is of sufficient width to accommodate vehicles entering and leaving the site. A safe footpath within highway limits can be provided along Maidstone Road to provide pedestrian access to the site.

6.6.3 I consider the indicated car parking provision is also appropriate for the intended size of the facility. Cycle and motorcycle parking facilities can also be secured at detailed stage through the imposition of appropriate conditions.

6.6.4 The Club propose a travel plan which will have the aim of reducing single car occupancy trips by 15-20% over a period of three years. It is anticipated that this will be achieved in a number of ways, for example primarily by encouraging car-sharing, but also including the promotion of walking amongst members, secure cycle parking provision on site and the promotion of local bus and train routes within the club. The submission and implementation of a Travel Plan can be secured by means of a condition.

6.7 Landscaping and Ecology

6.7.1 The illustrative landscape masterplan submitted with the application indicates that existing hedgerows along the northern site boundary and around the curtilage of Lanorna would be retained and new hedge and tree planting introduced within the site. New hedgerow and tree planting would be introduced along the western boundary of the site the trees comprising Lime Trees. The southern boundary would be enhanced with new structural planting of Alders at 10m centres along the railway to infill gaps and provide an appropriate screen from this direction. New hedge planting would also be provided on the eastern site boundary. The cricket ground would also be ringed by Lime trees. The proposed 1.5m high landscape bund to the northern boundary would be planted as a woodland and with the following species indicated; Field Maple, Oak, Hawthorn, Blackthorn, Elder and Hazel. The pond and field in the south east corner of the site would be improved to enhance biodiversity and amenity. The

margins of the site would be subject to a less intensive maintenance regime and would be planted and maintained as wildflower meadows.

- 6.7.2 I consider the landscape principles shown in the master plan to be acceptable, subject to full details being prepared and submitted at reserved matters stage. Consideration should be given to a programme for the implementation of the scheme and it should be possible to achieve some of the structural landscaping at an early stage in the development process to allow it to begin to mature earlier.
- 6.7.3 In terms of ecology, a phase one habitat survey has been undertaken and updated and protected species surveys have also been submitted for Amphibians and Reptiles and Dormice.
- 6.7.4 In ecological terms it is the edges of the site where the connecting hedgerows and habitat are located that have the greatest ecological and biodiversity potential. The centre of the site is an apple orchard intensively managed and cropped.
- 6.7.5 It is not considered that there is any suitable habitat for bats in the site. It is however, recommended that bat tubes and bat access panels are installed into the new buildings. In addition, recommendations are made in respect of the external lighting. It is recommended that design features reducing light spillage are used and the use of High-pressure Sodium (SON) or low UV lamps is also recommended with directional features to avoid illuminating the tree line around the edges of the site.
- 6.7.6 Given the intensive use of the centre of the site and the fact that the greatest potential is located around the edges of the site the ecologist has recommended the installation of appropriate Root Protection Zone fencing in accordance with BS5837:2012 to protect hedges and trees and also the provision of exclusion fencing and boundary hoarding. This would enable protection of all the boundary hedging and trees, none of which are directly affected by the development in any event.
- 6.7.8 The submission of detailed mitigation and enhancement proposals can be conditioned and linked to the detailed landscaping scheme that will be required.
- 6.7.9 No objections are raised to the development on landscape or ecology grounds

6.8 Other Matters

- 6.8.1 Issues relating to the potential contamination from the former sheep dip said to have been located within the site and the PLUTO pipeline under the access road

can be covered by appropriate contamination and archaeological conditions respectively.

6.8.2 Surface water drainage is indicated to be provided using a SUDS based system. The Environment Agency and Southern Water have requested that conditions relating to surface water drainage details are imposed. Southern Water has also requested that a condition is imposed requiring details of foul drainage to be submitted for approval. An existing foul sewer passes immediately to the rear of the properties to the north of the site and across the field from which pedestrian access is proposed. Connection to this may be a possibility but the applicants will need to formally apply to Southern Water for such a connection.

6.8.3 I also consider that it would be appropriate to ensure that the proposed clubhouse building achieves a minimum of a BREEAM very good rating in terms of construction sustainability and energy efficiency.

7. CONCLUSION

7.1 As a proposal for a new sports facility in the countryside, the proposals are considered to be acceptable in principle. The applicants have considerably modified their proposals in response to the refusal of the previous application and have reduced the scale of what is now proposed.

7.2 I consider that the proposed facility is appropriately sited in relation to the village it will serve and that it will not result in any unacceptable highway safety or capacity issues. The scheme will bring enhanced facilities to the club and to the village of Marden as a whole.

7.3 The potential impacts and harm caused by the development have been carefully weighed. The impact of lighting has particularly been carefully considered. The details submitted indicate that direct impact on the dwellings to the north and west can be mitigated in accordance with the ILE guidance. Clearly, there will be some impact on the wider area from the lit columns. However, on balance, I consider that that impact will not be so harmful as to warrant refusal due to the existing and proposed landscape framework that the site is within and the juxtaposition of the site relative to public vantage points.

7.4 I do not consider that the impact of the other facilities at the site will cause unacceptable harm to the character and appearance of the wider countryside, whilst recognising that the use of the facilities will bring a degree of noise and disturbance to existing residential properties they currently do not experience. Appropriate conditions can ensure this disturbance and impact is mitigated to an acceptable level.

- 7.5 Concerns raised by objectors regarding the unacceptability of development on the club's existing site are not for consideration in this application and cannot be taken into account. There is no certainty in any event that the existing Albion Road site will be allocated for development in the emerging Local Plan.
- 7.6 On balance, having assessed the scheme as now revised, I consider that the overall benefits in terms of the enhanced provision in this instance outweigh the acknowledged impacts that the development will cause. Subject to appropriate safeguarding conditions the following recommendation is therefore appropriate.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details submitted pursuant to condition 1 above shall accord with the details indicatively shown on drawing no, JEC/336/01 and shall specifically show:
 - (i) A car park of a maximum of 60 spaces
 - (ii) A club house 'L-shaped' in form with arms of a maximum length of 32m with each arm having a maximum width of 15m and a resultant ground coverage for the building of no more than 750sqm and a maximum of 10m in height to the ridge of the roof.
 - (iii) Not more than one floodlit multi-purpose artificial pitch and 2 floodlit tennis courts.
 - (iv) Details of all surfacing to roadways, pathways and car parking areas within the site.
 - (v) Details of cycle and motorcycle parking.
 - (vi) Details of all fencing (including boundary enclosures) to be erected within the site.

- (vii) The tennis courts and the grounds maintenance machinery shed sited no closer than 15m to the site's northern boundary.
- (viii) The multi-use sports pitches sited no closer than 65m to the site's northern boundary.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

3. The details of landscaping submitted pursuant to condition 1 shall accord with the principles shown on drawing no. JEC/336/01 and shall include:
 - (i) A detailed long-term landscape and ecological management plan for the site.
 - (ii) Details of tree protection measures and an arboricultural method statement in accordance with BS5837 (2012) 'Trees in relation to design, demolition and construction. Recommendations'.
 - (iii) Details of ecological enhancement measures to include the provision of bird and bat boxes, bat bricks/tubes on the clubhouse building, reptile hibernacula and the location of log piles using a portion of the cordwood from the felled orchard trees.
 - (iv) A detailed implementation programme maintenance and management plan for the proposed community orchard including details of public access.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development and in the interests of ecology and biodiversity pursuant to the policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

4. The approved tree protection/ground protection measures approved pursuant to condition 3 above shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas, or works to the trees undertaken no in accordance with the arboricultural method statement without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to the policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

5. All planting, seeding or turfing comprised in the approved details of the reserved matter of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

6. The development shall not commence until, details of the proposed slab levels of the clubhouse building and the existing and proposed site levels for the wider site (to include east -west and north-south cross sections) have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded pursuant to the advice in the National Planning Policy Framework 2012.

8. The development shall not commence until a scheme for foul drainage and a sustainable surface water drainage scheme for the site have been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure adequate and proper drainage of the site and to prevent flood risk from surface water run-off pursuant to the advice in the National Planning Policy Framework 2012.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework 2012.

10. The details of the clubhouse building submitted pursuant to condition 1 shall show that it will be constructed to achieve at least a BREEAM Very Good rating. The building shall not be occupied a final certificate has been issued certifying that the building has achieved at least a BREEAM Very Good rating.

Reason: To secure a sustainable and energy efficient form of development in accordance with Kent Design and the advice in the National Planning Policy Framework 2012.

11. The development hereby permitted shall not commence until details of the proposed floodlighting for the single floodlit multi-activity pitch and the two tennis courts have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details. The submitted details shall include, inter-alia:

a) Details of the pylons which shall not be higher than 15m and luminaires which shall be of an asymmetric type.

b) Details of lighting plots showing the dispersal and intensity of light/lux level contours within the courts and also including the residential properties 'Church Farm House', 'The Oast House', 'The Hollies', 'Holly Cottage', '1& 2 Bumpers Hall Cottages', 'Bumpers Hall' and 'Lanorna', Maidstone Road and 'Bridgehurst Farmhouse', 'Bridgehurst Cottage' and 'Bridgehurst Oast', Howland Road and demonstrating that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2.

c) Details of measures to prevent excessive light spillage outside the floodlit areas.

Reason: To prevent light pollution and in the interests of residential amenity pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000.

12. The floodlights within the site shall not be illuminated except between the hours of 09:00 and 22:00 on any day.

Reason: To prevent light pollution and in the interests of residential amenity pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000.

13. No vehicles shall access or leave the site except between the hours 09:00 and 23:00 on any day.

Reason: In the interests of the amenities of nearby residential properties pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

14. No sporting activity on the site or activity within the clubhouse shall take place except between the hours of 09:00 and 23:00 on any day.

Reason: In the interests of the amenities of nearby residential properties pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

15. The use of the sports club and facilities hereby permitted shall not commence until the two approved pedestrian accesses as shown on drawing no. DHA/7275/02 have been secured and completed in accordance with a detailed design and specification (showing details of the precise alignment, surface treatments, boundary enclosures and lighting) which have been submitted to and approved by the local planning authority in conjunction with the local highway authority including the completion of an agreement under s278 of the Highways Act as necessary. The pedestrian accesses shall thereafter be maintained and kept available for use as long as the sports club and facilities are in operation.

Reason: To ensure a satisfactory means of access to the site pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

16. Prior to the first occupation and use of any part of the development hereby permitted, a Travel Plan including measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the local planning authority in consultation with the highway authority and shall thereafter be implemented in accordance with the approved details of the plan upon first occupation or use of any part of the development.

Reason: In the interests of sustainability pursuant to the advice in the National Planning Policy Framework 2012.

17. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

18. The development shall not commence until details of any external lighting (other than floodlighting) to be placed or erected within the site have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To prevent light pollution and in the interests of residential amenity pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000.

19. The development shall not commence until details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

20. The development hereby permitted shall be carried out in accordance with the following approved plans:
DHA/7275/01revB, DHA/7275/04, JEC336/01, T0072/SK002 and
T0072/SK003revB ;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with

policies ENV6, ENV28 and ENV49 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

Informatives set out below

Any information submitted in pursuance of condition 8 should also include detail on how the surface water drainage scheme shall be maintained and managed for its lifetime after completion, and should be accompanied by all appropriate calculations to demonstrate that sufficient attenuation/storage will be provided. Furthermore, any excess surface water generated by an event which exceeds the design parameters should be retained on site in pre-determined areas which are well away from any vulnerable property and where the off-site flood risk will not be exacerbated by its presence. Further guidance on this (and on designing safe and sustainable flood conveyance routes and storage) is provided in 'Designing for exceedance in urban drainage - good practice' (CIRIA publication C635).

It should be further noted that drainage features which rely on infiltration may not prove to be particularly effective at this location owing to the relative impermeability of the underlying Weald Clay; further investigations should therefore be undertaken to determine the suitability of any proposed surface water management scheme prior to any detailed design work.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any

noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

Consideration should be given in submitting the details of reserved matters pursuant to condition 1 for a club house building of not more than one and a half storeys in height.

When designing the lighting scheme for the proposed development the recommendations by the Bat Conservation Trust must be considered (where applicable)

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

Drainage to soakaway from car parking areas for more than 50 spaces should be passed through an oil interceptor before discharging to ground. Note: cleansing agents can negate the effect of petrol interceptors. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Foul drainage from the clubhouse should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable. No permit will be issued for foul treatment discharges to SPZ1 or when there is a risk to groundwater in terms of volume of discharge or inadequate attenuation capacity in the underlying materials due to soils/rock type or depth to groundwater. We also refer you to our document Groundwater Protection: Policy and Practice (GP3) that is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>

Due to the close proximity of the proposal to the embankment and Network Rail property the application should immediately contact Network Rail's asset protection team on AssetProtectionWessex@networkrail.co.uk who will assist in managing the construction and commissioning of the project.

You are advised that:

1. No furniture may be erected on or across Public Rights of Way without the

express consent of the Highway Authority:

2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the KCC Public Rights of Way Office.
3. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be brought onto site or stored on the Right of Way.
6. Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000

and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.