

REPORT SUMMARY

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| REFERENCE NO - 14/500738/FULL | | |
| APPLICATION PROPOSAL Installation of multi use games area (MUGA) with associated floodlighting as shown on Design _ Access Statement, Extended Phase 1 Habitat and Bat survey and drawing nos. GC.87063.001, P115-2173-03 and 37713 E01 received 05/06/14, and site location plan received 16/09/14. | | |
| ADDRESS South Park, Armstrong Road, Maidstone, Kent | | |
| RECOMMENDATION – Approve with conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION 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 there are no overriding material considerations to indicate a refusal of planning consent. | | |
| REASON FOR REFERRAL TO COMMITTEE - Maidstone Borough Council is the applicant | | |
| WARD High Street Ward | PARISH/TOWN COUNCIL N/A | APPLICANT Maidstone Borough Council |
| DECISION DUE DATE 14/08/14 | PUBLICITY EXPIRY DATE 14/08/14 | OFFICER SITE VISIT DATE 30/07/14 |
| RELEVANT PLANNING HISTORY: | | |

MA/12/1391 - Replacement floodlights bulbs and heads – approved with conditions

MA/07/1034 - Erection of metal palisade fencing to frontage of South Park to replace existing poor condition chain link fence – approved with conditions

MA/07/0155 – Alteration to existing 'astro' sports pitch - approved with conditions

MA/95/1051 - Creation of artificial grass sports surface with protective fencing and floodlighting. Parking to be provided within the existing car park on the south side of Armstrong Road – approved with conditions

MA/90/0979 - Synthetic sports pitch with protective fence and floodlighting - approved with conditions

MAIN REPORT

1.0 Site description

1.01 The proposal site is an area of grass located within South Park recreation ground on the north side of Armstrong Road, to the west of the existing astroturf pitch and to the north of the skateboard park. The recreation park is largely surrounded by residential development of differing scale, design and age; there are a number of trees established along the boundaries of the park; and there is a public car park close-by, to the south-east of the site (39 spaces). The site is within an 'Area of Archaeological Potential'; and it does fall within the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

2.0 Proposal

2.01 The proposal is for the installation of a multi-use games area (MUGA) with associated floodlighting, measuring some 30m by 20m (600m²). The surface of the MUGA would be formed from type 1 MOT, a geo-synthetic layer and 2 porous asphalt layers, with line markings for football and basketball. This surfacing would be enclosed by 3m high rebound mesh fencing; and there would be open goal-ends with permanent football goals and basketball hoops. The 6 proposed floodlighting columns, featuring LED lighting, would stand some 8m in height.

3.0 Policies and other considerations

- Development Plan 2000: ENV49
- National Planning Policy Framework
- Planning for Growth Ministerial Statement (March 2011)
- National Planning Practice Guidance
- Draft Local Plan policies: SP2, DM6, DM11

4.0 Local representations

- 4.01 1 neighbour representation received raises concerns over light pollution, general noise and disturbance, and parking provision.
- 4.02 The North Loose Residents Association Planning Group raises no objection subject to the floodlighting ceasing at 10pm.

5.0 Consultations

- 5.01 **KCC Highways Officer:** Raises no objection.
- 5.02 **Environmental Health Officer:** Raises no objection.
- 5.03 **Biodiversity Officer:** Raises no objection;

"We have reviewed the ecological information which has been submitted with the planning application and we are satisfied with the results of the submitted ecological survey. The submitted surveys has detailed that a number of trees around the boundary of the site have potential to be used by roosting bats and the hedgerows may be used by commuting and foraging bats. As such there are concerns that the proposed lighting will have a negative impact on any bats foraging or commuting. However the proposed games area has been located within the centre of site and as a result it is not adjacent to the boundaries of the site reducing the potential for the lighting to impact any foraging or commuting bats. To further reduce the impact we recommend that the lighting for the scheme is designed to minimise/avoid light spill on to the boundary - we advise that the recommendations within the ecological survey are incorporated in to the lighting plan."

- 5.04 **KCC Archaeological Officer:** Raises no objection.

5.05 **Kent Police:** Raises no objection.

6.0 Relevant policy and guidance

6.01 Whilst there is no specific policy related to the installation of sports facilities, the National Planning Policy Framework (NPPF) seeks to encourage sustainable development, including "...*improving the conditions in which people live, work, travel and take leisure*"; and ..."*the need to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs*". I therefore consider the principle of the new sports facility in this location to be acceptable.

6.02 Please note that it has been identified within the Council's Green Spaces Strategy that this area of Maidstone is lacking formal sports facilities open and free to all to use. This MUGA would help address this situation, and together with the existing skateboard park allow the opportunity for free sports facilities for the local community promoting health and well being.

6.03 In terms of the lighting, policy ENV49 of the MBWLP states that in determining proposals for external lighting, the Council will;

(1) SEEK TO ENSURE THAT THE LIGHTING IS NECESSARY AND THE SCHEME PROPOSED IS THE MINIMUM REQUIRED TO UNDERTAKE THE TASK SATISFACTORILY; AND

(2) SEEK TO ENSURE THAT LIGHT SPILLAGE IS MINIMISED; AND

(3) SEEK TO ENSURE THAT THE LIGHTING SCHEME DOES NOT ADVERSELY IMPACT ON THE AMENITIES OF ADJOINING OR SURROUNDING OCCUPIERS; AND

(4) SEEK TO ENSURE THAT THE LIGHTING SCHEME IS NOT VISUALLY DETRIMENTAL TO ITS IMMEDIATE OR WIDER LANDSCAPE SETTING; AND

(5) ENCOURAGE THE USE OF LOW LEVEL 'BOLLARD' LIGHTING WHERE APPROPRIATE; AND

(6) NOT ALLOW EXTERNAL LIGHTING WHICH DAZZLES OR DISTRACTS DRIVERS OR PEDESTRIANS USING NEARBY HIGHWAYS.

7.0 Design, siting and appearance

7.01 The proposal site is located within an existing recreation ground, set next to a skateboard park and a much larger astroturf pitch that is enclosed by 3m high mesh fencing. Beyond this, there is also a bowling green and a number of tennis courts. The main issue in terms of visual impact would be with the 3m high fencing, but in my view the design of the fencing would continue to allow views through the MUGA; it would be set more than 30m away from any road; and it would be of an appropriate scale very much read in context with the surrounding sports facilities.

7.02 I am therefore of the view that this is an acceptable development that would not appear over dominant or visually incongruous within the setting and character of the wider area.

8.0 Residential amenity

- 8.01 The proposal would be more than 45m away from any residential property; and the site is already used as part of the recreation ground and next to an astroturf pitch and skateboard park which creates its own level of noise and activity that will not be too dissimilar if this permission was implemented. I am therefore satisfied that this proposal would not lead to a further significant harmful increase in the level of noise and disturbance that currently exists within the park. I am also satisfied that the level of traffic movement to and from the site would be of no more detriment to the amenity of local residents if this permission was implemented.
- 8.02 In terms of the floodlighting proposed, the Environmental Health Officer is satisfied that there would be no harmful light spill, and that it is unlikely to cause unnecessary lighting problems and so raises no objection to the proposal on this basis. I am also of the view that the combined use of the proposed lighting and the existing floodlighting for the astroturf would not result in significant harm to the living conditions of local residents. To further ensure the amenity of local residents, a condition will be imposed to not have the lighting in operation between the hours of 22:00 hours and 08:00 hours on any day.

9.0 Highway safety implications

- 9.01 The MUGA is to be sited within a sustainably located recreation ground, next to an existing astro-turf pitch and skateboard park, and South Park does benefit from a car park with 39 spaces and there is on street parking available close-by. The Highways Officer has not stated that there is a current highway safety issue related to the current use of the recreation ground, and neither have they indicated that this proposal would lead to there being a highway safety concern if implemented.
- 9.02 Given the site's sustainable location; the existing available parking provision; and the existing uses of the recreation ground, I am satisfied that this proposal would not result in a harmful intensification of use of the site in terms of parking provision and vehicle movements; and also that the floodlighting would not distract those using the surrounding near-by highways. I therefore raise no objection on highway safety grounds.
- 9.03 Any extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur, and so whilst there may be a possible increase in demand for parking spaces in the area and local residents may not be able to park close to their properties, such inconvenience is not grounds for objection.

10.0 Ecological issues

- 10.01 The applicant has submitted an Extended Phase 1 Habitat and Bat Tree Survey. The submitted survey has detailed that a number of trees around the boundary of the site have the potential to be used by roosting

bats and that the hedgerows may be used by commuting and foraging bats. As such, there could be the potential for the proposed lighting to have a negative impact on any bats foraging or commuting.

10.02 However, the Biodiversity Officer is of the view that because the proposal has been located within the centre of site, it is not adjacent to the boundaries of the site reducing the potential for the lighting to impact on any foraging or commuting bats. Furthermore, the submitted lighting plan shows light spill to measure from the mid-20s lux down to 8 lux approximately 10m away from the MUGA. Whilst the lighting plan does not extend to the boundaries of the park, I consider that the light spill from the proposal to the recreation ground's boundary trees that would be over 35m away would not be so great as to cause adverse harm to any bats foraging, commuting, or roosting. I do not therefore consider it necessary or reasonable to request further surveys in this respect.

10.03 I am also satisfied given the scale and nature of the proposal, and location of the site, that it is not necessary for there to be any further ecological surveys undertaken relating to other protected species.

11.0 Other considerations

11.01 The MUGA is situated over the presumed line of a World War II anti tank ditch and defence system, and these tended to be substantial ditches with reinforced concrete. The Archaeological Officer does state that it would be preferable to preserve the alignment of these historic national defence structures and that any ground works should not directly impact on the structure. As such, a condition has been recommended for the groundworks to be monitored by an archaeologist to ensure that if something is exposed it can be recorded. I consider this to be reasonable and will duly impose such a condition.

11.02 I am satisfied that this development, given its modest scale and location, would not be harmfully prejudicial to flood flow, storage capacity and drainage within the surrounding area.

12.0 Conclusion

12.01 This proposed development would not cause any demonstrable harm to the character and appearance of the area, and it would not significantly harm the amenities of existing residents, or cause a highway safety issue or adversely harm any protected species. I am therefore of the view that the proposal is acceptable in principle with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant, and recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT Subject to the following conditions

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

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

- (2) The floodlighting hereby approved shall not be operated between the hours of 22:00 hours and 08:00 hours;

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

- (3) 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.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: 37713 E01 and GC.87063.001 received 05/06/14;

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

INFORMATIVES - None

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.