

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

New Sports Field for Harrietsham Church of England Primary School -MA/07/482

A report by Head of Planning Applications Group to the Planning Applications Committee on 19 June 2007.

Full planning application for the construction of a new sports field on Tong's Meadow for Harrietsham Church of England Primary School, and the erection of a low level black mesh fence around the perimeter of the playing area. The proposals include localised re-grading of the landscape to suit the slope of the site and the levelling of the pitch, at Tong's Meadow (between Harrietsham CEP School Nature Garden and the railway line), north of West Street, Harrietsham. Ref. MA/07/482.

Recommendation: PERMISSION BE GRANTED

Local Member: Lord S. Bruce-Lockhart OBE

Classification: Unrestricted

Introduction and Site

1. Planning permission was granted for a replacement Primary School at Tong's Meadow, Harrietsham, in December 2004. The school is now complete and fully operational. Harrietsham Primary School occupies a site of approximately 1.9 hectares, situated to the north side of West Street, close to the edge of the built confines of Harrietsham village. The school building is located to the south west of the site, accessed from West Street. To the north east of the school building lies the School's Nature Garden, beyond which open grassland, which is within County ownership, extends to the north and east. The Nature Garden is fenced with low level black mesh fencing. A Public Right of Way runs to the south of the Nature Garden, and a second Public Right of Way was diverted, under the planning permission for the school, to run through the Nature Garden itself. The playing field is proposed to be sited parallel to the eastern boundary of the Nature Garden on an area of irregularly mown grassland. A railway line is located to the north of the school site, and a new housing development is situated to the east.
2. The application site is within the North Downs Special Landscape Area and outside of the Harrietsham village boundary, as defined in the Adopted Maidstone Borough Local Plan. In addition, the Kent Downs Area of Outstanding Natural Beauty is located to the north of the railway line. A site plan is attached.

Background

3. The principle of a change of use for this part of Tong's Meadow to accommodate a sports field was established by the planning permission MA/00/2019, granted by Maidstone Borough Council in 2001. Permission was granted for a change of use from agricultural land to amenity land with associated access provision, including the principle of construction of a sports pavilion with related equipment store and associated parking provision. This permission expired in December 2006.

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4. This application has been subject to minor amendments due to an initial objection from the County Public Rights of Way Officer, and following receipt of a full topographical survey. The amendments involved a 10-metre alteration to the location of the sports field, and the inclusion of a surfaced footpath, connecting the School with the proposed playing field. It is the revised proposal that will be discussed throughout this report.

Proposal

5. This application has been submitted by KCC Children, Families and Education and proposes the construction of a new sports field on Tongs Meadow for Harrietsham Church of England Primary School (CEPS), and the erection of a low level black mesh fence around the perimeter of the playing area. The proposals also include localised re-grading of the landscape to suit the slope of the site and the levelling of the pitch. The application site is located between Harrietsham School's Nature Reserve, and the railway line, to the north of West Street, Harrietsham.
6. The applicant advises that Harrietsham Primary School is currently restricted to a small, sloping hard playground and a multi-purpose hall for Physical Education lessons, which is not appropriate for some sporting activities, and does not allow the School to host a sports day. The Education (School Premises) Regulations 1999 set out minimum standards for the size of playing fields for primary schools, based on the number of pupils within specific age ranges. Harrietsham CEPS currently has 64 pupils between the ages of 4 and 7 years, 62 pupils between the ages of 8 and 10 years, and 15 pupils of 11 years old. For a school with 100 or fewer pupils ages between 8 and 11 years the minimum total area of playing field required is 5000 square metres.
7. The proposed playing pitch would be located as close to the school as possible, just a short walk across the meadow, adjacent to the School's existing Nature Garden. A 45 x 90 metre playing field, with a 3 metre run off zone on all sides is proposed. This would meet the minimum standards set out in the School Premises Regulations. This size of pitch is the smallest standard format football pitch which would allow for its use by the school, as well as amateur football clubs or community sports teams out of school hours.
8. Tongs Meadow slopes from north to south and, therefore, some levelling would be required to optimise its use for sports purposes. However, the applicant advises that the proposed sports field has been carefully positioned on the flattest part of the meadow, and that the pitch would be re-seeded with hard wearing grass seed. The positioning would minimise the amount of cut and fill required to level the pitch, and minimise the extent of landscape re-grading around the pitch. There are no plans to import or export soil to/from the site.
9. A 1.08 metre high black mesh fence is proposed to enclose the sports field to prevent dogs fouling the pitch. The fencing and the access gates have been specified to match the existing fencing around the schools Nature Garden. Pedestrian routes between the existing fencing around the Nature Garden and proposed fencing around the sports field would be maintained. The sports field would be accessed from the School by foot, via a surfaced footpath. The applicant proposes that a 'Technix', or similar, rubber grass mat would be used to surface the public footpath from the top of the sloped path, which already has a grasscrete finish running down the eastern side of the school, along to the entrance gate of the sports field. This surface would allow grass to grow through,

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reducing its visual impact, whilst also providing a surface suitable for access for wheelchairs and pushchairs.

10. Access for a tractor mower, to maintain the pitch, would be provided via the existing 3 metre wide track from West Street, which runs up the eastern boundary of the school site. This would join the access path to the playing field. 2 key-locked removable bollards would be located at the entrance to the mower track to prevent unauthorised vehicular access. The access track would also provide a temporary access route for construction vehicles during the construction of the playing field. This would be under strict supervision of banks men controlling the vehicular movements and ensuring safety for pedestrians.
11. This application is accompanied by an Ecological Survey, which is in draft form as it has been prepared to be submitted in support of an European Protected Species (EPS) Licence application. The Survey provides details of the protected species found on Tong's Meadow and the surveys and mitigation works, associated with the construction of Harrietsham Primary School, which have been carried out to date. The report concludes that the impact of this proposed development upon ecological issues would be limited to the loss of good herpetofauna terrestrial habitat, with no impact upon birds, bats, dormice or badgers being anticipated. However, the survey indicates the presence of a Reptile and Great Crested Newt population and, therefore, an European Protected Species Licence would need to be applied for should planning permission be granted. The report also outlines mitigation measures to ensure that Great Crested Newts and Reptiles would not be adversely affected.
12. No tree or shrub planting is proposed around the pitch. The applicant is not proposing any floodlighting, or fixed benching for spectators.

Reduced copies of the submitted drawings showing the site layout are attached.

Planning Policy

13. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The Kent & Medway Structure Plan: Adopted 2006:

Policy SP1 - Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.

Policy QL1 – Seeks to conserve and enhance the environment through the quality of development and design.

Policy QL12- Provision will be made for the development of local services, including schools, in existing residential areas. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy QL17- The Rights of Way network will be protected and enhanced.

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Policy EN1 - Kent's countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

Policy EN4- Protection will be given to the nationally important landscapes of the Kent Downs and High Weald Areas of Outstanding Natural Beauty. The primary objective of these areas will be to protect, conserve and enhance landscape character and natural beauty.

Policy EN5 – The primary objective of designating Special Landscape Areas is the protection, conservation and enhancement of the quality of their landscapes, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.

Policy EN8 - Wildlife habitats and species will be protected, conserved and enhanced. Development likely to have an adverse effect, directly, indirectly or cumulatively, on important habitats or species, will not be permitted unless the adverse impact on an important nature conservation resource can be adequately mitigated and/or compensated.

(iii) Maidstone Borough Local Plan: Adopted December 2000

Policy ENV2 – Planning permission will not be granted for development in the defined urban area and village settlements unless:

- (1) proposals relate sympathetically to the context provided by their setting and by adjoining buildings with regards to scale, height, proportion, detailing and materials, building frontages, topography, public views, landmark buildings, existing landscape features, highways and car parking; and
- (2) due regard is given to the reasonable enjoyment of their properties by neighbouring occupiers.

Policy ENV26-Permission will not be granted for development affecting a Public Right of Way unless the proposals include either the maintenance or the diversion of the Public Right of Way as a route no less attractive, safe and convenient for public use.

Policy ENV28- In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenity of surrounding occupiers.

Policy ENV34 – In Special Landscape Areas particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.

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Policy ENV40 – If features of nature conservation interest are discovered, planning permission will not be granted for development unless the development would not harm those features, the features will be protected from harm either in situ or by transfer to another habitat, or the importance of the development outweighs the value of the features.

Consultations

14. Maidstone Borough Council: raises no objection.

Harrietsham Parish Council: raises no objection to the initial proposal. No comments have been received to date with regards to the amended proposal.

English Nature: raises no objection to the application in relation to protected species, subject to the inclusion of conditions covering the submission of mitigation strategies for Great Crested Newts and Reptiles.

Divisional Transport Manager: raises no objection.

Public Rights of Way Officer: raises no objection subject to agreement on a suitable path surface for the section of path affected by the development.

Sport England: supports the application.

Local Member

15. The Local Member, Lord Sandy Bruce-Lockhart OBE, was notified of the application on the 2 March 2007, and comments as follows:

“I fully support this application, it has been intensely frustrating that this has taken so long, and I ask that it is dealt with and agreed as a matter of priority.”

Publicity and Representations

16. The application was publicised by advertisement in a local newspaper, the posting of site 2 notices, and individual neighbour notification letters to 5 local residents. One letter of representation has been received to date, and the points of concern and objection are summarised below:

- Raises no objection to the new sports field for Harrietsham School;
- The low black mesh fencing that is proposed around the field is an eyesore. The matching fencing around the Nature Garden is already an eyesore;
- A low natural fence would look better and would blend in with the countryside;

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Discussion

17. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (13) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
18. Policies SP1 and QL1 of the Kent and Medway Structure Plan & Policy ENV2 of the Maidstone Borough Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is within a Special Landscape Area, and in close proximity to an Area of Outstanding Natural Beauty, areas which are subject to policy designations which intend to protect, preserve and enhance the quality of the landscape.

Siting and Design

19. As detailed in paragraphs 5-12 above, this application proposes the construction of a new sports field on Tongs Meadow for use by Harrietsham Church of England Primary School (CEPS). Although the application site is within a Special Landscape Area, and in close proximity to an Area of Outstanding Natural Beauty, no objection has been raised to the siting of the pitch. The sports pitch would be located upon an area of existing grassland, adjacent to the Schools Nature Garden. It is also located on a site that benefited from an earlier planning permission for a sports pitch that lapsed unimplemented in December 2006.
20. The pitch is proposed upon the flattest part of the meadow in an effort to reduce the amount of cut and fill required to level the pitch, and to minimise the extent of landscape re-grading around the pitch. It is not expected that any soil will have to be imported or exported from the site. Once levelled, the area would be seeded with a hard wearing grass seed, which once established would mitigate any visual impacts of the levelling and regrading. Therefore, I do not consider that the sports pitch itself would have any adverse impacts upon the landscape character of the locality nor on the natural beauty of the adjacent Area of Outstanding Natural Beauty. Moreover, I consider that the provision of the sports pitch is in accordance with the general thrust of Development Plan Policies which seek to protect, conserve and enhance the quality of the environment, particularly within a Special Landscape Area.
21. Although no objection or concern has been expressed with regards to the sports pitch itself, a local resident raises strong objection to the type of fencing proposed to secure the pitch. The applicant proposes to erect a 1.08 metre high black mesh fence to enclose the sports pitch in order to prevent dogs fouling on the field. The proposed fencing and access gates have been specified to match the existing fencing that encloses the Schools Nature Garden. The local resident suggests that a natural fence would look better, and blend in with the countryside. In response to this objection, the applicant has commented as follows:

“Whilst an objection has been raised to the proposed fencing, we believe that it is appropriate to match the adjacent fencing, rather than adding a third type of

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fencing which would add to the visual clutter on the green field site. The other type of fencing on the meadow, stock proof fencing, is not deemed to be appropriate to enclose the sports field.”

22. I agree that the introduction of a third type of fencing on the site would be inappropriate in this location, and would have a detrimental impact on the landscape quality of the site. I consider that as the proposed fencing would be at a height of only 1.08 metres, finished in black, and would match existing adjacent fencing that it is appropriate for the context of the site. In addition, the proposed fencing is fit for purpose, and would enable the pitch to be secured. Under the circumstances, I see no objection from a planning policy point of view to the fencing, and consider that the proposed development is acceptable in terms of scale, mass and siting.

Ecology

23. As this proposal involves localised land regrading, and levelling of the pitch, the ecological impacts of these works need to be considered. The topsoil from the meadow would need to be removed, and heavy plant would need to access the site to be able to undertake these works. As a result of this, an Ecological Survey was submitted with this application, which provides details of the protected species found on Tong's Meadow, and the surveys and mitigation works that were undertaken in association with the construction of Harrietsham CEPS. The report concludes that the ecological impact of the proposed development would be limited to the loss of good herpetofauna terrestrial habitat, with no impact upon birds, bats, dormice or badgers being anticipated. However, the survey indicates the presence of Reptiles and a Great Crested Newt population within the locality. Therefore, should planning permission be granted, the applicant would need to obtain an European Protected Species Licence from Natural England. Natural England are satisfied that the proposed development would not have a detrimental impact upon protected species, subject to the submission of mitigation strategies for Great Crested Newts and Reptiles. Therefore, subject to the imposition of planning conditions to ensure that mitigation strategies are submitted and approved prior to the commencement of development, I consider that this proposal would not have a detrimental effect on local wildlife and/or protected species.

Public Right of Way

24. Although this application does not necessitate the diversion of a Public Right of Way (PROW), a PROW runs to the south of the Nature Garden and the application site, whilst a second PROW runs to the west of the application site and through the east side of the Nature Garden. The applicant proposes to access the site via the PROW which runs to the south of the Nature Garden. It is proposed that a rubber grass mat would be used to surface the footpath from the top of the sloped path, which runs down the eastern side of the school and which already has a grasscrete finish, along to the entrance gate of the sports field. The surface would allow grass to grow through it, mitigating its visual impact, whilst also providing a surface suitable for access for wheelchairs and pushchairs. Access for a tractor mower, to maintain the pitch, would also be provided via the footpath. However, 2 key locked removable bollards would be located at the entrance to the track, which runs to the eastern side of the school, to prevent unauthorised vehicular access. This access would also be used as a temporary access route for construction vehicles during the construction of the playing field. As this would be under the strict supervision of banksmen, controlling vehicular

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movements, I consider that this access is appropriate for use during the construction phase.

25. The County Public Right of Way Officer raises no objection to the proposed development subject to an agreement on a suitable surface for the section of path affected by the development. Therefore, should planning permission be granted, I consider that subject to the imposition of a condition requiring details of the surfacing to be submitted for approval prior to the commencement of development, that the proposal would not have an unacceptable impact upon the PROW.

Need

26. As detailed in paragraphs 6 & 7 of this report, Physical Education lessons at Harrietsham CEPS are currently undertaken on a small sloping hard surfaced playground and within a multi-purpose hall, which is not appropriate for some sporting activities and does not allow the school to host a sports day. The proposed playing pitch would meet the minimum standards set out in the School Premises Regulations, and at 45 x 90 metres is the smallest standard format football pitch. I consider that a case of need for the facility has been provided by the applicant, and is considered appropriate in this case.

Conclusion

27. In summary, I consider that there are special circumstances to justify the proposed development within a Special Landscape Area and within close proximity to an Area of Outstanding Natural Beauty. I consider that the siting and design of the sports pitch, and associated access works, would not have a detrimental effect on the amenity of local residents or the character and appearance of the Special Landscape Area, nor on the nearby Kent Downs Area of Outstanding Natural Beauty. Overall, I consider that the design solution proposed is a sensitive approach to the landscape aspects relevant to this particular location. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.

Recommendation

28. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- the standard time limit;
 - the development to be carried out in accordance with the permitted details;
 - the submission of ecological mitigation plans;
 - details of the surfacing to the PROW;
 - hours of working during construction;
 - prevention of mud being deposited in the highway;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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