

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Replacement sports court fencing and new floodlighting to existing tennis/netball Courts at Tunbridge Wells Girls Grammar School – TW/14/1580 (KCC/TW/0125/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 July 2014.

Application by Tunbridge Wells Girls Grammar School and Kent County Council for the proposed refurbishment of the existing tennis/netball Courts including the replacement of the sports court fencing and the provision of 6 x 10 metre high floodlights, at Tunbridge Wells Girls Grammar School, Southfield Road, Tunbridge Wells – TW/14/1580 (KCC/TW/0125/2014).

Recommendation: planning permission to be GRANTED, subject to conditions.

Local Member: Mr Peter Oakford

Classification: Unrestricted

Site

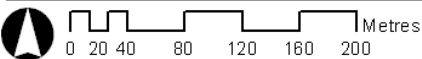
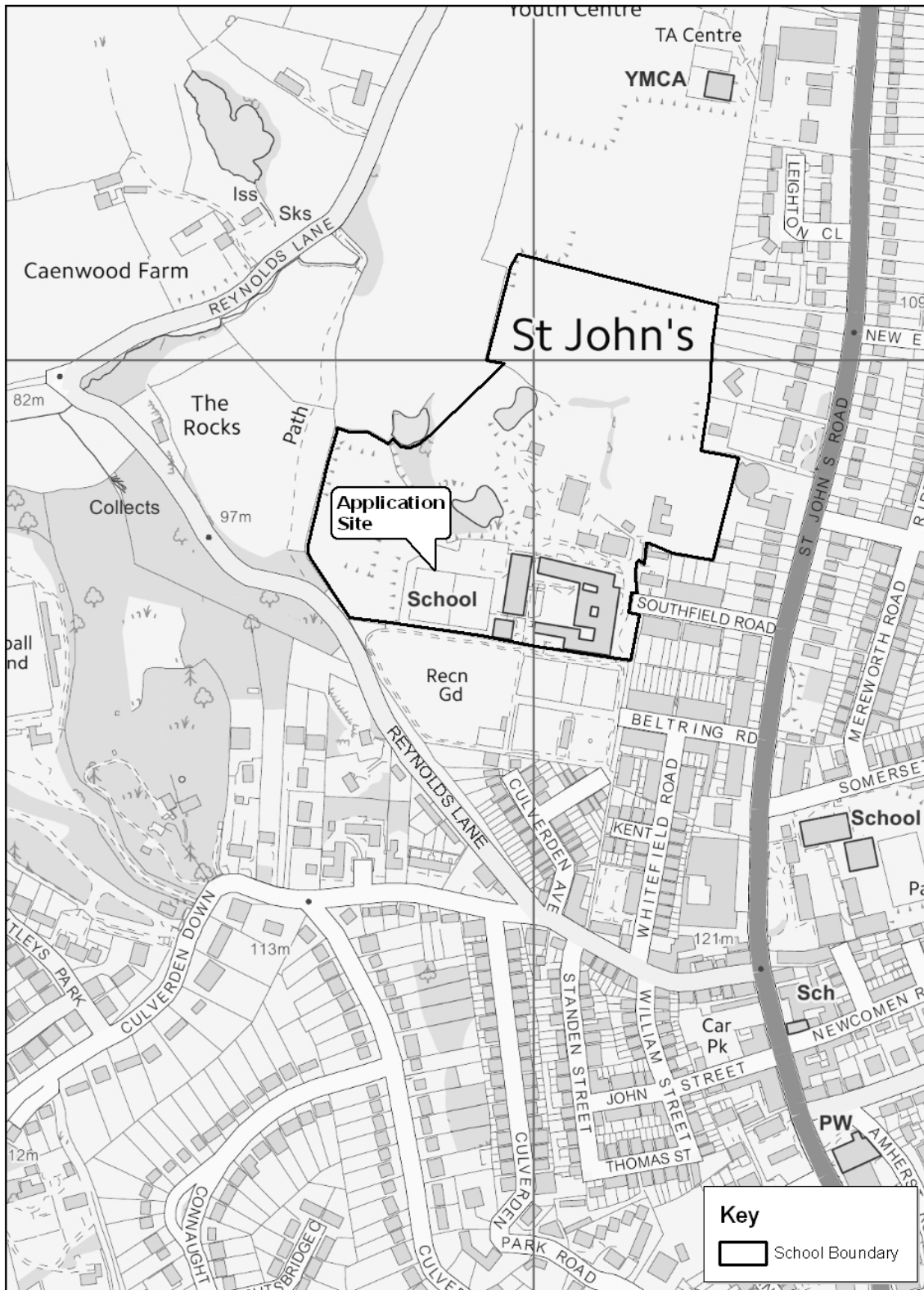
1. Tunbridge Wells Girls Grammar School is located to the north of Tunbridge Wells town centre, to the west of St. Johns Road (A26), accessed via Southfield Road. The main school buildings are located to the south-east corner of the site, adjacent to the schools only access from Southfield Road. To the north and west of the school site, playing fields and open grassland extend to the site boundary, along with some heavily wooded areas. The school site is bound to the east by residential properties on St John's Road and Southfield Road, and to the south by St John's Recreation Ground. Beyond the Recreation Ground to the south are residential properties which form part of Culverden Avenue/Campbell Road. Reynolds Lane is located to the south west of the application site, orientated southeast-northwest, upon which lie a small number of residential properties which are more rural in character. Tunbridge Wells Boys Grammar School's playing fields are located to the north of the site boundary, and open countryside to the west. The tennis/netball courts which are the subject of this application are located to the rear (west) of the main school buildings, adjacent to the schools southern boundary with St Johns Recreation Ground. The application site measures 0.33 hectares, and consists of a total of 6 tennis courts/4 netball courts, with a tarmac finish, enclosed with galvanised wire mesh fencing.

A site location plan is attached

Relevant Planning History/Background

2. Planning permission was granted by the County Council in 2008 (March 2008 Planning Applications Committee) for a new purpose built floodlit hockey pitch (TW/07/4011) which is located to the north of the school site, remote from the school buildings but adjacent to the school's main playing fields. The site has seen much development over recent years, and the following is a list of recent planning applications at the site:

Replacement sports court fencing and new floodlighting to existing tennis/netball Courts at Tunbridge Wells Girls Grammar School – TW/14/1580 (KCC/TW/0125/2014)



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- TW/13/913 – New Combined Cadet Force (CCF) mobile on existing site;
- TW/12/3351 – Permanent retention of existing studio building;
- TW/09/3998 – A new Sixth Form Centre located between the Performing Arts Centre and Music Building;
- TW/08/2275 – A single storey extension to the school's music centre;
- TW/08/2150 – Renewal of planning permission for the timber classroom;
- TW/07/4011 – The construction of a floodlit synthetic turf hockey pitch including fencing; and
- TW/07/2425 – Replacement windows to classrooms.

Proposal

3. This application has been submitted by Tunbridge Wells Girls Grammar School and Kent County Council and proposes the refurbishment of the existing tennis/netball courts, which in addition to repairs and repainting of the surfacing, includes two key elements – replacement of the fencing and the provision of floodlights. It is these latter two elements which give rise to new development, which is the subject of this planning application.
4. With regard to the replacement fencing, the applicant advises that the existing fencing consists of a 2.75 metre high galvanised wire mesh fence, which is in a poor state of repair. It is proposed to replace the existing perimeter fencing with a 3 metre high, dark green powder coated, weld mesh fence with posts at 2.52 metre intervals. The fencing would follow the same perimeter fence line as the existing. Two double leaf gateways (2.4 metre x 2 metre high) with a lintel infill panel above and one single leaf gate (1.2 metres wide) are proposed, with the positioning of the gates to accord with the existing. Between the courts it is also proposed to construct a 3 metre high double panelled fence line. The courts already have a dividing fence, but replacement with a double sided fence will, I am advised, improve safety as both sides of the fence would be flat (no protruding fence posts, for example).
5. The applicant is proposing to floodlight the tennis/netball courts to allow their use during the late afternoons/early evenings in the generally darker winter months. A total of 6 floodlighting columns are proposed, one in each corner of the courts, and one within the centre of each length of the courts. Each column is proposed to be 10 metres in height, consisting of galvanised static columns. A total of four lamps (each 2kmetal halide) are proposed to the two columns within the centre of the courts perimeter, while three lamps per floodlight column are proposed in each of the four corners.
6. In terms of the proposed operation of the floodlights, the applicant advises that all of the courts could be individually lit, offering flexibility to allow only one or two of the courts to be floodlit at any one time. In addition, each column would be fitted with timers and a digital clock control. The applicant further advises that the floodlights would not be used after 9pm Monday to Friday, and that the floodlighting would not be used at any time on Saturdays, Sundays or Public Holidays except for a maximum of 12 weekends per calendar year. The courts would also not be used for commercial purposes. It is proposed that the floodlighting would facilitate later use of the courts by pupils of Tunbridge Wells Girls Grammar School only, including some inter-school netball matches which pupils currently have to travel off site for.

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The application is accompanied by a Planning Statement, fencing specification and floodlighting specification.

Planning Policy

7. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, which set out the Government’s planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools; and
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government’s commitment to halt the overall decline in biodiversity.

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system.

- (iii) **Tunbridge Wells Borough Local Plan (2006)**

Policy EN1 - Seeks all proposals to be compatible in nature and intensity with neighboring uses and not cause significant harm to character and amenities of the area in terms of daylight, sunlight, privacy, noise or excessive traffic generation. Seeks the design of the proposal to

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respect the context of the site and not cause significant harm to residential amenities.

- Policy EN8 -** Proposals for outdoor lighting schemes will only be permitted where all of the following criteria are satisfied:
- 1 The minimum amount of lighting necessary to achieve its purpose is specified;
 - 2 The means of lighting would be unobtrusively sited or well screened by landscaping or other site features;
 - 3 The design and specification of the lighting would minimise glare and light spillage in relation to local character, the visibility of the night sky, the residential amenities of adjoining occupiers, and public safety; and
 - 4 Low energy lighting would be used.

- Policy TP5 -** Vehicle parking in connection with development proposals will be restricted to the maximum necessary having regard to local highway conditions. Kent County Council's Vehicle Parking Standards, adopted by the Council, will be applied to such development proposals.

(iv) **Tunbridge Wells Core Strategy (July 2010):**

Core Policy 4 – The Borough's built and natural environments will be conserved and enhanced.

Core Policy 5 – The Borough Council will apply and encourage sustainable design and construction principles and best practice. Developments should also be of high quality design, creating safe, accessible, and adaptable environments, whilst conserving and enhancing the public realm.

Core Policy 8 – Supports the provision of leisure and community facilities.

Core Policy 9 – Development must conserve and enhance the landscape, heritage and biodiversity assets of Royal Tunbridge Wells, to secure its special character in the long term.

Consultations

8. **Tunbridge Wells Borough Council** raises no objection subject to the imposition of conditions requiring the development to be undertaken in accordance with the submitted plans, that the development commences within three years, that the floodlighting is installed and set up as proposed and checked prior to first use, and that the floodlighting use be restricted to 09.00 to 21.00 on any day, with a maximum of 8 weekends use per calendar year.

Kent County Council Highways and Transportation raises no objection.

The County Council's Biodiversity Officer notes that the submitted information details that there would be no (or at least very little) light spill beyond 12 metres from the courts. From looking at the site it appears that there is at least a 10 metre buffer between the courts and the woodland on the western boundary of the courts. Therefore,

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the Biodiversity Officer is satisfied that the proposed lighting has been designed to have minimal impact on the adjacent woodland, and has no concerns over the application.

The County Council's Landscape Officer has no concerns over the application, but recommends that the perimeter fencing be powder coated black instead of green as proposed.

Local Member

9. The local County Member, Mr Peter Oakford, was notified of the application on the 16 May 2014.

Publicity

10. The application was publicised by the posting of 3 site notices, and the individual notification of 54 neighbouring properties.

Representations

11. To date, I have received 6 letters of objection/representation from local residents. A summary of the main issues raised/points of objection is set out below:

Lighting and its associated amenity and environmental impacts

- The proposed development would create light pollution, having a damaging effect on the environment and causing a loss of amenity;
- The lighting would cause light intrusion in a 'densely populated area', adversely affecting the character of the area;
- Reynolds Lane does not have street lighting and has a dark night sky. Residents would be impacted by viewing the floodlit courts and increased light pollution;
- Is 10 metres the lowest the lighting columns could be? Could the columns not be 5 metres in height?
- The development would increase noise levels during the evenings, from both players and spectators;

Use of the facility

- Although the school say the facility is not for commercial use, why do they therefore want to use the facility for 12 weekends a year? This is inconsistent with the intended users and would impact adversely on the rural feel of the area at weekends;

Traffic implications/parking

- The proposed development would bring more traffic into Southfield Road, which is already unsuitable for the current volume of traffic visiting the school;
- The development would encourage more traffic in the evenings, which is a hazard, a noise nuisance, and creates parking problems for local residents;
- The existing floodlight all weather pitch has the same restrictions as proposed here but this still creates congestion;
- Drivers visiting the school speed and take up the limited parking spaces in Southfield Road;

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- Where will parents/supporters of visiting teams park? Concern is expressed that significant numbers would park on Reynolds Lane and walk through the St John's Recreation Ground to the courts;
- Parking in Reynolds Lane is not restricted but the road is dangerous and very narrow. Parking here could also prevent residents from being able to safely access/egress their homes;
- Local residents have had to endure many years of constant building work at the school, with its associated construction traffic, noise, dirt and damage to cars. If this application is allowed to go ahead it is considered that consultation with residents about timings of deliveries/working, and arrangements for residents to safely park their cars must be put in place.

Discussion

12. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 7 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 Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon general amenity matters, landscape and biodiversity implications, access and highway matters, and whether the development is sustainable in light of the NPPF. Consideration should also be given to the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view, the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

General amenity matters – including noise and light pollution

13. As can be seen from the summary of representations in paragraph 11 above, apart from access and highway matters which will be discussed later in this report, the primary concerns expressed by local residents relate to the impact of the lighting in terms of light pollution and associated extended hours of use and the noise implications of evening use.
14. Local residents have expressed concern that the development would create light pollution and light intrusion, having a negative impact on their amenity. It is also considered that the lighting would be visible from properties in Reynolds Lane. However, private views cannot be protected by the planning process and, although I appreciate that the lighting may be visible at night, it should be borne in mind that the facility is

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adjacent to existing school buildings and a well used recreation ground, and is on the edge of the urban area of Tunbridge Wells. In addition, when viewed from Reynolds Lane, the floodlighting would be screened to a degree by existing landscaping and tree planting, the school's boundary, and the facilities within the recreation ground. Given the lack of concerns raised by the County Council's Landscape Advisor, and in considering the above, I do not consider that the proposed development would be unacceptable in the location proposed in terms of its visual impact. However, the impacts of light spill need to be considered further.

15. First, it has been suggested that the lighting columns be reduced in height. However, the 10 metre high columns proposed are not unduly high, with 12 or 15 metre high columns being the height generally proposed. In fact, the floodlit hockey pitch on the Tunbridge Wells Girls Grammar School (TWGGS) site, referred to in paragraph 2 of this report, has 15 metre high columns. To further reduce the column height from 10 metres would result in the angle of the luminaires having to change. At 10 metres, the luminaires can be mounted flat, parallel to the playing surface, effectively lighting the courts which minimising any light spill and sky glow. Reducing the column height would result in the luminaires being angled upwards to achieve the required lighting levels across the courts. That would increase sky glow and light spill, and possibly glare from some vantage points. Given the 10 metre height of the proposed columns, which is lower than the 12 or 15 metre columns more commonly used in floodlighting schemes, and the implications of lowering the height further, I consider the height of the columns to be acceptable in this instance.
16. In addition to the visual impacts of the development, which I consider to be acceptable, local residents have expressed concern that the development would affect residential amenity in terms of light spill. The lighting scheme prepared by the applicant demonstrates that all light spill would be contained within 25-30 metres of the playing surface. In reality however, the spill light would be contained within a closer area to the courts than that predicted, as the lux level contours provided do not take into account landscaping, boundary treatment or buildings on site. However, in considering the worse case scenario of 25-30 metres, to the north, east and west of the courts all of the spill light would be contained within the school site. To the south of the application site, spill light would be detectible within St John's Recreation Ground although, again, the lux level contours shown do not take into account the school boundary which is heavily screened in this location. However, even when considering the worst case scenario as provided by the applicant, spill light to the south would fall to 10 lux within 2 metres of the boundary, and to 1 lux approximately 10 metres from the boundary. Given the nature of this site, and the sports uses within it, including a skate park and bowling green, I do not consider that such a low level of spill light adjacent to the boundary would have a detrimental effect on the amenity of the locality and see no reason to refuse this application on that ground.
17. With regard to neighbouring properties and light spill, the closest residential properties to the site are in Southfield Road and Beltring Road to the east. However, these properties are separated from the proposed floodlighting by all of the school buildings (many of which are higher than the 10 metre columns proposed) and would, therefore, not be able to see the floodlighting yet alone be affected by light spill. These properties are also well over 230 metres from the application site. Properties to the south of the application site lie beyond the recreation ground in Culverden Avenue/Campbell Road and are also approximately 200 metres away from the application site at the closest point. Given the fact that the spill light would all be contained within 25-30 metres of the courts, I am satisfied that these properties would not be affected by light spill associated

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with the proposed floodlit courts. Lastly, properties in Reynolds Lane to the south and west of the site are a considerable distance from the application site, the closest being approximately 200 metres from the edge of the courts. Considerable tree planting/woodland also lies to the south and west of the application site, further screening the development. I therefore am satisfied that properties in Reynolds Lane would also not be affected by light spill from the proposed floodlighting. In considering the above I am satisfied that the lighting scheme as proposed would not have a detrimental impact on residential amenity and would not have a significant impact upon the character of the locality, including the wider landscape.

18. Concern has also been raised with regard to use of the facility and associated noise levels. As outlined in paragraph 6 of this report, the applicant is proposing that the floodlights would not be used after 9pm Monday to Friday, and that the floodlighting would not be used at any time on Saturdays, Sunday and Bank Holidays except for a maximum of 12 weekends per calendar year. The applicant has confirmed that the courts would not be used for commercial purposes moreover, the floodlighting would enable pupils of TWGGS to use the courts in the later afternoon/evening in winter months. Some inter-school netball matches would also be played at the site. The hours and level of use proposed is the same as that permitted for the floodlit hockey pitch onsite – albeit that that facility is only permitted to be used for a maximum of 8 weekends per year.
19. I am satisfied that the facility would not be used commercially, and that the School would manage use to ensure that TWGGS pupils and matches with other local schools were all that the facility was used for. In addition, the applicant has confirmed that the hours of use proposed are worst case scenario, and it would be unlikely that the floodlighting would be used until 9pm on a regular basis. However, given the distance between the proposed floodlighting and neighbouring properties, and the fact that the facility would not be commercially available, I consider the hours of use proposed to be more than acceptable and commensurate with those permitted on other sites in similar locations. I am also of the opinion that use of the facility would not generate undue noise at nearby residential properties given the level of use proposed, the landscaping and tree planting around the site, and the degree of separation between properties and the courts (as detailed in paragraph 17 above). Given residents' concerns however, including those over access which are to be discussed later in this report, I would suggest that weekend use be limited to 8 weekends a year. That is in line with the floodlit hockey pitch on site, and the applicant has accepted such a restriction. I therefore consider that weekend use should be limited to 8 weekends a year. That also accords with the requirements of the Borough Council. In addition, use on weekends should be limited to between 9am and 9pm, to accord with Monday to Friday use. Subject to conditions controlling hours of use, ensuring the floodlighting is extinguished when not in use or within 15 minutes of its last use, and that the facility is not used on more than 8 weekends per year, I consider that the development would not have a significantly detrimental impact on neighbouring residential amenity in terms of light and noise pollution and see no reason to refuse the application on this ground.

Landscape and Biodiversity – including fencing

20. Given the limited hours of use of the facility, and the fact that light spill would be well contained, concerns have not been raised by the County Council's Landscape Advisor with regard to the landscape impacts of the lighting scheme. Although the lighting may be visible from vantage points outside of the site boundary, the development would be viewed against the context of surrounding built development and also screened by

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established landscaping and tree planting. I am, therefore, satisfied that the development would not have an unacceptable impact on the wider landscape.

21. With regard to ecological impacts, the County Council's Biodiversity Officer is satisfied that there would be no (or very little) light spill. The woodland boundary/area to the west of the application site is at least 10 metres from the courts and, as such, the Biodiversity Officer is satisfied that the lighting scheme has been designed to have minimal impact on the adjacent woodland and its ecological interests. I am therefore of the opinion that the proposed development would not have a detrimental impact on biodiversity.
22. The applicant advises that the existing wire mesh fencing, and the general surface of the courts, has deteriorated in condition over recent years. The fencing is rusting and leaning as a result of weathering, and the court surface has deteriorated due to general use. The replacement fencing proposed, 3 metre high weld mesh, is widely used in school site across the County as not only sports fencing, but perimeter fencing. It is robust and fit for purpose, whilst not being as visually intrusive as some more industrial fencing types. The replacement fencing would be 0.25 metres higher than the existing, and I consider that such a small increase in height would not be perceptible when viewed in the wider context of the site and surrounding built development. The applicant is proposed to powder coat the fencing dark green, but this colour finish has met with concern from the County Council's Landscape Advisor. Green is a popular colour finish for fencing, but unless the colour matches exactly the surrounding it can be visually prominent. Given that this development would be adjacent to car parking, school buildings and the site boundary, and that the surface of the courts are black, I agree that green is not the most appropriate colour finish in this particular case. I therefore advise that the fencing should be powder coated black, as also suggested by the County Council's Landscape Advisor. Subject to the imposition of a condition requiring the fencing to be finished in black, I consider that replacement fencing to be acceptable. In my view, the development would not have an unacceptable impact on the local and/or wider landscape, and would not affect local biodiversity. I therefore see no reason the refuse the application on these grounds.

Access and Highways

23. Local residents have expressed concern regarding access and parking. It is considered that the development would bring more traffic into Southfield Road, and would lead to additional on street car parking in local roads including Reynolds Lane. However, as detailed above, the proposed floodlighting would enable existing pupils of TWGGS to use the existing courts later into the evening, and in the afternoon in winter months. It is not proposed to hire the courts out on a commercial basis. It is intended that some inter-school netball matches take place at the site, but at the moment pupils have to be bussed off site to attend such matches due to a lack of on-site facilities. Away teams visiting the TWGGS site would arrive by minibus, so essentially instead of a minibus leaving TWGGS, one would arrive. With very limited weekend use (8 per year) out of school hours use would be primarily restricted to evenings only.
24. TWGGS has invested significant funds in recent years on extending the parking facilities on site, including the provision of a new surfaced car park adjacent to the Tennis/Netball courts. Out of school hours, parking on site would be available for use by visiting schools, including any spectators. This is also the case for the floodlit hockey pitch on site, and I have not received any complaints from residents regarding parking in local roads, including Reynolds Lane. With sufficient parking facilities available on site

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adjacent to the courts, I do not see any reason why visitors to the site would park on local roads.

25. Kent County Council Highways and Transportation have no objection to this application and no concerns over potential traffic and parking issues. In light of the limited hours of use, the lack of commercial use, and the provision of adequate onsite car parking, and in considering the views of the Highway Authority, I am of the view that the development as proposed would not have a significantly detrimental impact on the local highway network and see no reason to refuse the application on this ground.

Construction matters

26. Residents have expressed their concern about continued construction at the school, and the associated noise, dust, construction traffic and damage to cars. Although I do have sympathy with this, Southfield Road is the only vehicular access into the school and, therefore, construction vehicles have no viable alternative route. I am advised by the applicant, however, that the installation of the floodlighting and fencing would take approximately 4 weeks and would be undertaken within the school holidays when there would be no school traffic. Although an inconvenience to residents, the impacts of construction would be limited and of short duration, and I do not consider that the application should be refused on this ground.
27. However, given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

Conclusion

28. In summary, I consider that, subject to the imposition of appropriate planning conditions, this proposed development constitutes sustainable development, with an appropriate standard of design, including the lighting specification, which would not have significantly detrimental effects on residential amenity, the wider landscape or upon the local highway. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, as well as the National Planning Policy Framework. I am aware of no material planning considerations that indicate that the conclusion should be made otherwise. However I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

29. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- 3 year time limit for implementation;
 - the development to be carried out in accordance with the permitted details;
 - hours of use limited to between 9.00am and 9.00pm Monday to Friday;
 - limit of weekend use to 8 per year, with weekend hours of use limited to between 9.00am and 9.00pm;
 - no commercial use of the facility;
 - extinguishing of lighting when pitch not in use or 15 minutes of last use;

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- lighting to be installed in accordance with approved details, and checked on site prior to first use;
- lighting levels not to exceed those specified within the application;
- perimeter fencing to be finished in black;
- hours of working during the lighting installation to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;

Case officer – Mary Green

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Background documents - See section heading
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