

## Provision of playing fields, including a floodlit synthetic pitch and pavilion building at Lower Haysden Lane for Judd School, Tonbridge – TM/15/3918 (KCC/TM/0385/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 9 March 2016.

Application by Kent County Council as Education Authority and The Judd School for the relocation of The Judd School's outdoor playing pitches at Yeomans - comprising 1 x grass senior rugby pitch, 1 x grass junior rugby pitch, 1 x grass training pitch, 1 x floodlit synthetic pitch (with restricted non-school use), 1 x hammer cage, 1 x cricket square plus all weather wicket and a single storey changing room block and associated landscaping works at land off Lower Haysden Lane, Tonbridge – TW/15/3918 (KCC/TM/0385/2015)

Recommendation: that the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, planning permission be granted subject to conditions

**Local Member:** Mr C. Smith and Mr R. Long

**Classification:** Unrestricted

### Site

1. The Judd School is located to the north of Brook Street, to the south west of Tonbridge town centre. The school is a voluntary aided Boys Grammar School, with 1038 students at the current time. The application site is located approximately 850 metres to the west of Judd School, accessed via Lower Haysden Lane, and measures approximately 5 hectares in area (12.3 acres). The application site, which is rectangular shaped and relatively flat, comprises agricultural land (pasture) entirely within Judd School's freehold ownership for which change of use to playing field was established under application reference KCC/TM/0435/2014 (see paragraph 6 for further background information). The site boundaries are formed of mature hedgerows, with further open agricultural land to the east, Lower Haysden Lane and further agricultural land to the south, land currently being drained and levelled for playing field (approved under consent reference KCC/TM/0435/2014) and the access road to Haysden Country Park to the west. To the immediate north of the application site lies Haysden Country Park, a designated Local Nature Reserve, which incorporates fishing lakes and parkland. The hamlet of Lower Haysden, which is a designated Conservation Area which contains a small number of Listed Buildings, lies to the south west/west of the application site with the closest residential property being approximately 350metres (0.2 miles) away from the western site boundary. The closest properties to the east of the application site are approximately 400metres (0.25 miles) from the eastern site boundary.
2. The application site is within the Metropolitan Green Belt. In addition, the entire site (excluding the south east corner) falls within Flood Zone 2, and a very small area of the north west of the site falls within Flood Zone 3. The River Medway lies approximately 280 metres to the north west of the application site at its closest point, and sites within Flood Zone 2 and 3 represent locations where there is a 'medium' and 'high' risk of flooding respectively. It should be noted that a large proportion of the fields to the east of the application site, between the site boundary and the boundary the urban area of Tonbridge, are designated as 'Safeguarded Land' under Policy CP4 of the adopted Core Strategy. 'Safeguarded Land' is excluded from the Green Belt so that they could remain available to meet the long term development needs of the area. In this case, the sites will not be released before 2021, and only then if there is a shortfall in housing land relative to housing targets.



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## Proposed Site Layout



P1	First Issue	AP	ZM	05.11.15
rev	description	drawn checked date		

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**The Judd School**  
 Tonbridge  
 Changing Room Block

**Kent County Council**

**Site Plan**

bba internal project reference scale(s) @A3  
 15-176 1:1250

drawing / document name :  
 project - originator - zone - level - type - code - number

**JSP - BBA - Z0 - ZZ - DR - A - 01001**

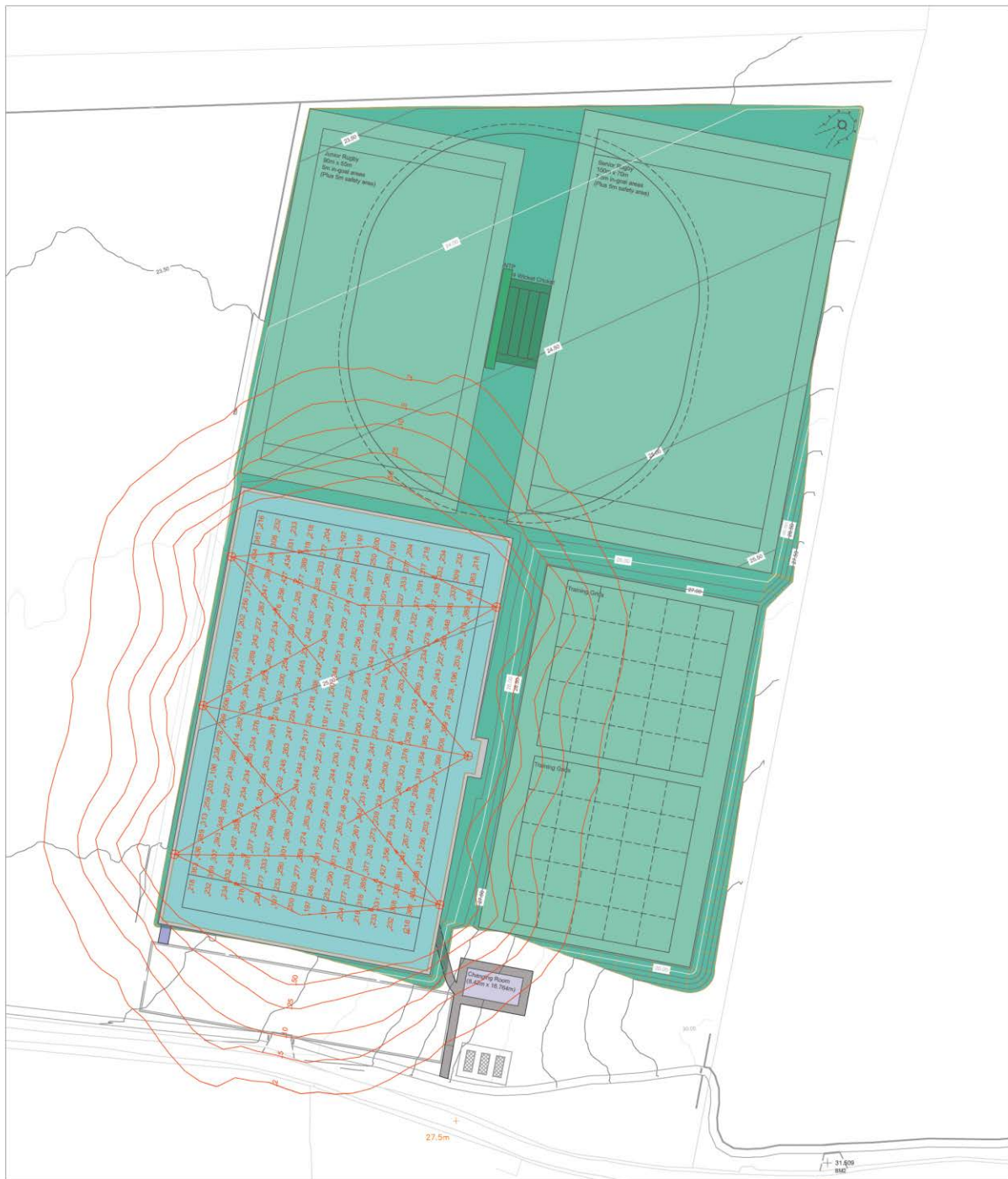
stability : code description  
**D5 ISSUED FOR PLANNING APPROVAL**

revision : code description  
**P1 PRELIMINARY**

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## Proposed Site Layout



**LEGEND**

- Major Contours - 2m Intervals
- Minor Contours - 50cm Intervals
- Isolines

Revisions			
Rev	Date	Description	Drawn By

**Notes:**  
 1) OS Mastermap background mapping data.  
 2) Luminance plan from Abacus Lighting Ltd - UKS11527 Judd School - External Floodlighting drawing

**Drawing Title**  
**Luminance Drawing**

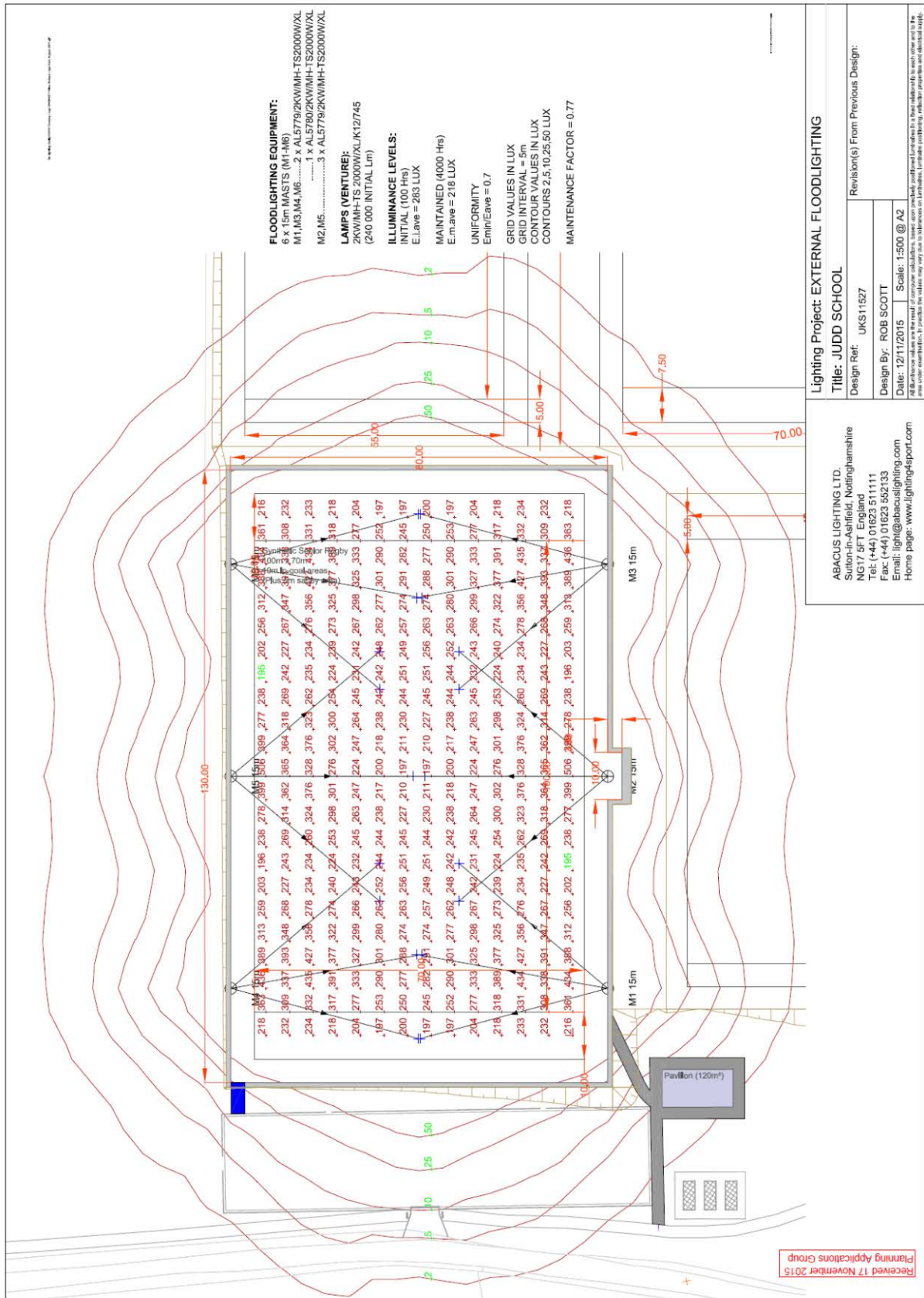
Project : The Judd School - Vizards 2  
 Client : The Judd School  
 Consultant : Andy McLeod

Date : 12/11/2015      Drawing Status : Design  
 Scale : 1:750      Paper Size : A2  
 Drawn by : MP      Checked by : AM      Approved by : AM

Drawing Number : **TGMS-0866.8-12**      Revision : **0**

Provision of playing fields, including a floodlit synthetic pitch and pavilion building for Judd School, Tonbridge – TM/15/3918 (KCC/TM/0385/2015)

Lighting Levels



Provision of playing fields, including a floodlit synthetic pitch and pavilion building for Judd School, Tonbridge – TM/15/3918 (KCC/TM/0385/2015)

Changing Room Building Elevations


P1	First issue	AP	ZM	05.11.15
rw	description	drawn checked date		

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**PRELIMINARY**



**The Judd School**  
**Tonbridge**  
**Changing Room Block**  
**Kent County Council**


bba internal project reference		scale(s) @ A3	
15-176		1:2,61, 1:4,44	
drawing / document name :			
project	originator	zone level type role number	
<b>JSP</b>	<b>BBA</b>	<b>Z0 - ZZ - DR - A</b>	<b>00003</b>


submittal	code	description
<b>D5</b>	<b>ISSUED FOR PLANNING APPROVAL</b>	
revision	code	description
<b>P1</b>	<b>PRELIMINARY</b>	

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3 East Facade



4 Aerial North East Corner



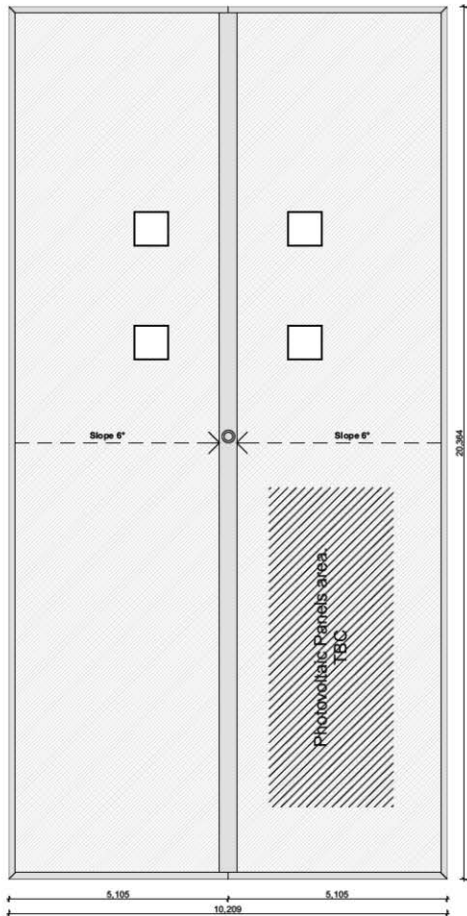
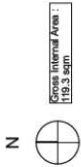
1 South West Corner



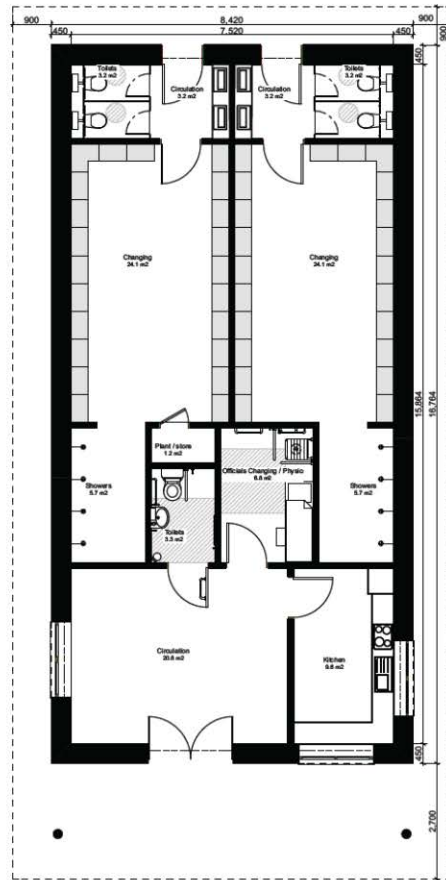
2 Aerial South West Corner

# Provision of playing fields, including a floodlit synthetic pitch and pavilion building for Judd School, Tonbridge – TM/15/3918 (KCC/TM/0385/2015)

## Changing Room Building Floor Plan



Roof Plan



Ground Floor Plan

P1	First Issue	AP	ZM	05.11.15	drawn	checked	date
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3. In light of the site's Green Belt designation, this application has been advertised as a Departure from the Development Plan. The site is not within any other landscape or planning designations.  
*A site location plan is attached.*

### Background and Relevant Planning History

4. Judd School currently make use of its on-site playing field, as well as an off-site playing field known as Yeomans located approximately 900metres (0.6 miles) to the south west of the school. The Yeomans playing field belongs to Kent County Council and has been used by Judd School since the 1930's to provide additional outdoor recreation space over and above that available on the main school site. The Yeomans playing field currently provides Judd School with two senior rugby pitches, two artificial cricket wickets with overlapping boundaries and a hammer circle. A small pavilion building is also located in the south east corner of the site with changing rooms, toilets, kitchen and store. A single floodlighting column is also located in this corner of the site.
5. Item D2 on these papers considers an application to provide a new purpose built Special Educational Needs (SEN) school on the Yeomans site, to provide replacement accommodation for Ridge View School (KCC/TM/0390/2015). As part of the mitigation for the loss of playing field that would occur should that application be permitted, this application has been submitted which proposes replacement and additional sporting facilities.
6. Members of the Planning Applications Committee considered an application for 'change of use from agricultural land to playing field to serve the Judd School, together with associated ancillary development including access, parking and hard landscaping works' at land off Lower Haysden Lane, Tonbridge, on the 8 April 2015. That application (KCC/TM/0435/2014 (TM/15/121)) was subsequently granted planning permission, and the development is currently underway with an expected completion in autumn 2016. That application covered a 10.5 hectare (26 acre) area of land so change of use to playing field is established for the whole site. However, the site was split into two, known as Vizard 1 and Vizard 2, and that application only proposed the physical development of Vizard 1 (the western half) to provide the following:
- 2 grass senior rugby pitches;
  - 2 grass junior rugby pitches;
  - 1 cricket pitch (capacity for up to 8 wickets);
  - Cricket nets;
  - Access and car parking.
7. This current application (KCC/TM/0385/2015) proposes to develop the eastern half of the site (Vizard 2) to provide the following:
- 1 grass senior rugby pitch;
  - 1 grass junior rugby pitch;
  - 1 grass training pitch;
  - 1 floodlit synthetic pitch (with restricted non-school use);
  - 1 hammer cage;
  - 1 cricket square plus all weather wicket;
  - a single storey changing room building.
8. Recent planning applications at the Judd School include the following:

TM/15/554 – Expansion from 4 to 5 FE, including the erection of a new classroom block.  
 TM/12/629 – Construction of a new car park and refuse/recycling enclosure.



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- TM/09/1913 – Widening of western vehicle access and replacement gates.
- TM/07/3622 – Two mobile classrooms at the back of the Sports Hall.
- TM/06/3847 – Two metal storage units at one office unit.
- TM/06/3682 – New mathematics and geography building containing 12 classrooms.
- TM/06/1325 – Synthetic surfaced multi use games area.
- TM/05/3315 – Widening of existing driveway and repositioning of existing car parking.

### Proposal

9. This application proposes the development of an area of land for which change of use from agricultural land (currently pasture) to recreational playing field to serve the Judd School has already been permitted (see paragraph 6). As outlined above, the application site is located approximately 850 metres/929 yards to the west of Judd School, accessed via Lower Haysden Lane, and measures approximately 5 hectares in area (12.3 acres). Adjoining land to the west (Vizard 1) is already being developed as playing field, and the approved access and car parking to serve that facility is located to the direct south of the application site. This application is proposing the provision of the following on Vizard 2:
  - 1 grass senior rugby pitch;
  - 1 grass junior rugby pitch;
  - 1 grass training pitch;
  - 1 floodlit synthetic pitch (with restricted non-school use);
  - 1 hammer cage;
  - 1 cricket square plus all weather wicket;
  - a single storey changing room building.

### Access and car parking, including pedestrian access

10. Access and car parking would remain as approved under consent reference (KCC/TM/0435/2014 (TM/15/121)), with no additional access points or car parking proposed within this application. For ease of reference, the following access and parking provisions have planning permission and are currently under construction:
  - a new vehicular access off Lower Haysden Lane with a visibility splay of 2.4 metres by 59 metres (7.8ft by 193.5ft).
  - a gravel surfaced car park to accommodate approximately 60 cars and 3 minibuses which runs along the southern site boundary of Vizard 2, and measures 20 metres (65.6ft) in width and 90 metres (295 ft) in length.
  - a dedicated footpath link running from the junction of Lower Haysden Lane with Brook Street/Upper Haysden Lane to the car parking area which runs across the southern end of the adjoining fields to the east of the application site ('Safeguarded Land') to the north of the existing hedgerow/boundary.

### Floodlit Synthetic Turf Pitch – Phase 1

11. It is intended that the proposal would be delivered in 2 key phases, the first phase comprising of the floodlit synthetic pitch only. It is intended that phase 1 would be complete and operational by September 2016 as should application reference KCC/TM/0390/2015 (Item D2 on these papers - replacement of Ridge View School) be successful. The Judd School would no longer have access to the Yeomans site. Phase 2 comprises of the remainder of the development proposed at the site, as listed in paragraph 9 above.
12. The floodlit synthetic pitch is proposed to the south west of the application site and would measure 130 metres in length and 80metres in width, orientated north south. The pitch is proposed to be enclosed with 3metre high weld mesh fencing along its lengths (east and

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west) and 5metre high fencing along the widths (north and south). Six 15metre high lighting columns are proposed, each with three luminaires. The applicant advises that the floodlighting proposed (Abacus Challenger 1 floodlight) has been specifically selected as it is particularly suited to areas where low light pollution is essential. The main beam of light is emitted at an angle of 60 degrees forward when the glass is horizontal. This results in a flat floodlight appearance, minimising the area of reflector visible from outside of the site. In addition, an internal baffle re-directs upward waste light back into the floodlight beam, providing increased efficiency. The applicant further advises that the proposed lighting would keep overspill and upward light to a minimum.

13. The floodlighting specification has been designed to achieve a maintained illuminance value of 218lux, with a uniformity of 0.7, which meets the requirements of the Rugby Football Union. Switching and controls would be in place to prevent lighting being left on when the pitch is not in use or beyond the permitted hours. The site, being intrinsically dark in character, would be classified by the Institute of Lighting Professionals (ILP) as an Environmental Zone E2 (Low District Brightness). The applicant advises that the lighting specification has been designed to meet the ILE Zone E2s stringent light control parameters, whilst maintaining the specified illuminance levels for use for rugby.

**Grass Pitches and the Changing Room Building – Phase 2**

14. The grass pitches and sports facilities proposed would occupy the remainder of the application site, to the north and east of the floodlit facility. First, with regard to the grass pitches, the applicant is proposing to provide a grass senior rugby pitch to the north east corner of the site, a grass junior rugby pitch to the north west corner, a grass training pitch to the south east corner, a hammer cage in the far north east corner, and a centrally situated artificial cricket wicket. The grass pitches would be levelled and drained (see paragraph 22 below).
15. The proposed changing room block would be a single storey rectangular building positioned next to the south east corner of the floodlit pitch. The building would measure 16.7metres in length and 8.4metres in width, and would have a maximum height of 3.9metres (external floor area of 141 sqm). The overhanging gull wing roof design would provide a covered veranda area around the building which would bring the total dimensions of the structure to 20.6metres in length and 10.2metres in width. The building would contain two separate changing rooms, toilets, showers, physio/officials changing room and a general break out/circulation space.
16. The applicant advises that the design of the exterior of the changing room building aims to be simple and functional, befitting its Green Belt location. The building facades would be timber clad with a dark grey brickwork plinth, with high level glazing under the eaves providing natural lighting into the building whilst breaking up the elevations. Due to the buildings remote location the building has to be secure and designed to minimise the chance of vandalism and break in. The high level glazing aids in securing the building, with low level windows limited to the kitchen and circulation space to the front of the building only. The inverted roof design also serves to inhibit access. An area of the changing room building's roof has been identified to accommodate south facing photo voltaic panels. Windows, doors and the roof fascia would be dark grey aluminium.
17. As the changing room block would provide a physio/officials changing room which could double up as a first aid area, one of the three metal storage containers approved as part of consent reference KCC/TM/0435/2014 (TM/15/121) (the development of Vizard 1) would no longer be required and would be removed from site.

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### Level/Frequency of Use

18. In addition to use by Judd School Monday to Friday until 6pm and Saturday mornings, it is proposed that Tonbridge Juddian Rugby Football Club (TJRFC) would have limited access to the synthetic floodlit pitch for training purposes and occasional match day use. It is proposed that TJRFC elite men's first 15 would only play matches on the floodlit pitch if the home ground was unavailable due to flooding at The Slade. It is, however, understood that in the last two seasons The Slade has only flooded once, so use for match purposes would be very limited. The applicant is further proposing limited rental opportunities on a Friday (no further details available at this time).
19. The proposed community hours of use (TJRFC and a possible other community use on a Friday evening only) are as follows:
  - 6pm to 9.30pm Monday to Friday;
  - 2pm to 5pm on Saturdays (emergency use for TJRFC should The Slade be flooded);
  - 9am to 5pm on Sundays; and
  - No use on Bank Holidays;
20. The applicant has confirmed that The Judd School would not be using the facilities available at Vizard 1 (which has no community use) or Vizard 2 should TJRFC be using the floodlit pitch. The car parking (60 spaces) currently provided for Vizard 1 is therefore considered by the applicant to be sufficient to cater for the needs of TJRFC, with a maximum of 30 cars expected to park on site at one time.

### Landscaping and Fencing

21. This application would not affect any of the hedgerows surrounding the site, and there would be no trees lost as a result of the development. In addition, fencing would be limited to that surrounding the floodlit synthetic pitch (see paragraph 12).

### Earthworks and Drainage

22. As stated above, the site is relatively flat and is currently left to pasture. The applicant would mow the site, rotivate the topsoil and thereafter grade the topsoil to minimise undulations and depressions. The site would be levelled using cut and fill, creating a lower tier (northern half of the site and the floodlit pitch) and an upper tier (grass training pitch in the south east of the site). Stone separation would remove all stones greater than 2cm in diameter from the upper 10cm (4inches) of soil. Stones and any plant waste/excess soil would be disposed of off-site. Lateral and collector drains would thereafter be installed across the site. The 3G pitch would have a full drainage system installed prior to surfacing the pitch, which would direct surface water east to west to link with the wider collector drainage system. I am advised by the applicant that the proposed drainage design would reduce surface water run off by approximately 20%.

### Additional Lighting

23. In addition to the floodlighting of the synthetic pitch, it is proposed to provide some low level bollard lighting to the approved car park and around the changing room block to assist with visibility, safety and security of users during darker periods.

*The application is accompanied by a Planning, Design and Access Statement, Design and Access Statement for the Changing Room Block, Landscape Visual Impact Assessment, Lighting Specification and Assessment, Transport Statement, Preliminary Ecological Appraisal, Bats and Lighting in the UK Document, Flood Risk Assessment,*

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*Statement of Community Involvement, Letters of Support, and a Specification for Construction.*

### Planning Policy Context

- 24.(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).

The NPPF states that, in determining applications, 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:

- 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 the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government’s commitment to halt the overall decline in biodiversity;
- promoting sustainable transport;
- That access to high quality open spaces and opportunities for sport and recreation are important in their contribution to health and well-being, and therefore that existing open space, sports and recreation facilities should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality.

In addition, Paragraph 72 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools, and works with schools promoters to identify and resolve key planning issues before applications are submitted*

- (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.

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(iii) **Tonbridge and Malling Borough Core Strategy September 2007:**

**Policy CP1 Sustainable Development:** 1) All proposals for new development must result in a high quality sustainable environment; 2) provision should be made for housing, employment and other development to meet the needs of existing and future residents of the Borough; 3) the need for development will be balanced against the need to protect and enhance the natural and built environment; 4) locations for development should seek to minimise waste generation, water and energy consumption, reduce the need to travel and where possible avoid areas liable to flooding; 5) new housing development should include a mix of house types and tenure and mixed use developments promoted where appropriate; 6) development to be concentrated at the highest density compatible with the local environment, and be well served by public modes of transport; 7) that development should minimise the risk of crime and make appropriate provision for infrastructure to serve the new development including social leisure, cultural and community facilities and adequate open space accessible to all.

**Policy CP2 Sustainable Transport:** New development that is likely to generate a significant number of trips should (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres; (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities; (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

**Policy CP3 Metropolitan Green Belt:** National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Wateringbury.

**Policy CP6 Separate Identity of Settlements:** 1) Development will not be permitted within the countryside or on the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements; 2) Any development that is considered acceptable in terms of this policy should maintain or enhance the setting and identity of the settlement, and in the countryside, be consistent with Policy CP14.

**Policy CP11 Urban Areas:** States that development should be concentrated within the confines of the urban areas which include Tonbridge. Development adjoining these urban areas will only be permitted where there is an identified need and there are no suitable sites within the urban areas/ Priority will be given to the use of previously developed land.

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**Policy CP14 Development in the Countryside:** In the countryside development will be restricted to (a) extension to existing settlements in accordance with Policies CP11 or CP12: or (b) appropriate replacement or extension to an existing dwelling; (c) necessary development for the purposes of agriculture or forestry; (d) limited expansion of an existing employment use; (e) development that secures the viability of a farm; (f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability; (g) affordable housing which is justified as an exception under Policy CP19; (h) open recreation uses together with associated built infrastructure; or (i) any other development for which a rural location is essential.

Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances.

**Policy CP24 Achieving a High Quality Environment:** 1) All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance, be designed to respect the site and its surroundings; 2) All development should accord with the advice contained in Kent Design, By Design and Secured by Design, and other supplementary Planning Documents and, wherever possible, should make a positive contribution towards the enhancement of the appearance and the safety of the area; 3) Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted; 4) The Council will seek to protect and enhance existing open spaces; 5) The environment within river corridors will be conserved and enhanced.

**Policy CP25 Mitigation of Development Impacts:** Development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. Development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

(iv) **Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010:**

**Policy CC1 Sustainable Design:** Requires all proposals for new development, building conversions, refurbishments and extensions to incorporate passive design measures to reduce energy demand.

**Policy CC3 Sustainable Drainage:** Requires the provision of sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions and drainage regimes. Where SUDS are not practical the proposal should incorporate alternative means of surface water drainage to ground watercourses or surface water sewers.

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- Policy NE2 Biodiversity:** The biodiversity of the Borough, and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- Policy NE3 Impact of Development on Biodiversity:** 1) Development that would adversely affect biodiversity or the value of wildlife habitats will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement; 2) Proposals for development must make provision for the retention of habitat and protection of its wildlife links; 3) Where development is permitted the Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance ecological conservation, contribute towards the objectives of Kent Biodiversity Action Plan, ensure appropriate management and monitoring, and the creation of new or replacement habitats.
- Policy NE4 Trees, Hedgerows and Woodland:** The extent of tree cover and the hedgerow network should be maintained and enhanced.
- Policy SQ1 Landscape and Townscape Protection and Enhancement:** Proposals for development are required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD. All new development should protect, conserve and where possible enhance (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.
- Policy SQ8 Road Safety:** 1) Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure is in place or is certain to be provided; 2) Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; 3) Development proposals should comply with parking standards; 4) Appropriate mitigation measures shall be provided where required before a development is occupied.
- Policy DC6 Rural Lanes:** In the consideration of development proposals which are in the vicinity of, or served by, rural lanes, permission will only be granted where: (a) the development conserves and enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety.

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### Consultations

25. **Tonbridge and Malling Borough Council** raises no objection subject to the following considerations:

- “1. TMBC recognises that the proposed sports facilities for the Judd School, and for wider community use, have the potential to deliver beneficial sporting opportunities for the local area which merits support;
2. Kent County Council must be satisfied that the proposed development accords with the requirements of the NPPF and that, for the application to be approved, very special circumstances clearly exist which outweigh the degree of harm caused to the open nature and function of the Metropolitan Green Belt by virtue of the inappropriate nature of the development proposed. If this cannot be satisfied, the application should be refused.
3. In the event that Kent County Council considers that very special circumstances do exist to outweigh the degree of harm to the Metropolitan Green Belt in this locality and the scheme is found to be acceptable in all other respects, the County Council should:
  - Be satisfied that the traffic impacts on the local highway network would not be assessed as severe and thus are able to meet the tests set out in the NPPF;
  - Be satisfied in amenity terms in respect of the proposed community use of the sports facilities and impose restrictions where necessary to minimise potential impact of such uses on surrounding land uses (including residential property, Haysden Country Park and the adjoining safeguarded residential land) - including reducing proposed hours of use on weekday evenings to 20:30 hours and the potential for further limiting Sunday afternoon hours;
  - Be satisfied that the proposed floodlighting will not give rise to a harmful amenity or landscape impact, taking into account surrounding residential properties, Haysden Country Park and the adjoining safeguarded housing land (as safeguarded by Tonbridge & Malling Borough Core Strategy 2007 Policy CP4);
  - Impose planning conditions to cover site operations (as per permission TM/15/121) including: no coach access to the site, the retention of hedgerows and trees, and submission of a detailed site landscaping scheme;
  - Strongly consider the opportunity for the provision of a safe pedestrian footpath along the entire length of Lower Haysden Lane (from Brook Street) to the entrance of Haysden Country Park will full public access;
  - Removal of Permitted Development Rights to prevent new storage containers from being installed on the site.

Furthermore, TMBC requests that the applicant be encouraged, by way of an informative, to manage school parking across their entire estate (including the new 60 space sports car park) to minimise parking concerns in surrounding residential roads to the main school campus.”

**Kent County Council Highways and Transportation** raises no objection to the proposal and comments as follows:

“I note from the Transport Statement submitted that use of ‘Field 1’ and ‘Field 2’ by The Judd School would not intensify above that expected with Field 1 in place as a result of ‘Field 2’ being implemented.



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I also note the proposed evening and Sunday use for training purposes by Tonbridge Juddians Rugby Club (TJs). From the figures submitted it does not appear that the car parking capacity of 60 spaces would be exceeded although some picking up and dropping off is anticipated. I have studied the car parking layout approved under the previous permission and consider that the aisle width at 8.5m is sufficient to allow for effective manoeuvres off-road. I also note from the Transport Statement that Fields 1 and 2 would not be used by both The Judd School and Tonbridge Juddians at any time (i.e. no overlap), and it is considered that it may be helpful to include this as a requirement by planning condition.

Paragraph 2.3 of the Transport Statement refers to a traffic management plan drafted by The Judd School to operate on occasions when popular matches are played. This paragraph indicates that an updated version of this type of traffic management procedure requiring visitor parking to take place elsewhere, when it is anticipated that capacity would be exceeded, can be formulated by TJs. It is considered that matches played by TJs for emergency purposes or otherwise on a Saturday should not be permitted until a suitable traffic management and overflow parking procedure is drafted and agreed by condition.

I also note reference to 'other limited rental opportunities'. It is not considered at this stage that any approval should allow other undefined community use. It is considered that roadside overflow parking would be detrimental to the operation of Lower Haysden Lane (potentially severely), requiring input from other services to clear the road. At this stage therefore, I would recommend that any community use is limited to that defined in the Transport Statement for use by Tonbridge Juddians Rugby Club.

Subject to the above I write to confirm on behalf of the highway authority that I have no objection to this application."

**Sport England** supports this application subject to the following conditions:

- The playing fields to be constructed in accordance with the submitted TGMS 'Drainage Design & Pitch Profile' ref TGMS-0866.8-7, Judd Drainage Information 26.01.16 and Judd School – Vizards 2 Geotechnical Survey 20 10 15.
- The playing field/artificial grass pitch shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- Phase I of the development (all weather pitch, floodlighting, and temporary toilet facilities) shall be made available for use by 1st September 2016 in accordance with the Proposed Site Layout plan (drawing number TGMS-0866.8-2) and Changing Room Block – Floor Plans (drawing number JSP BBA Z0 ZZ DR A 02001) and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and Pavilions and Clubhouses (Sport England, 1999). Phase II of the development (natural turf playing pitches, hammer cage, cricket square and permanent changing room block) shall be made available for use by 1st September 2018 in accordance with the Proposed Site Layout plan (drawing number TGMS-0866.8-2) and Changing Room Block – Floor Plans (drawing number JSP BBA Z0 ZZ DR A 02001) and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and Pavilions and Clubhouses (Sport England, 1999).

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- The approved all weather pitch, natural turf playing pitches and changing room block shall be constructed and managed in accordance with the submitted 'The Judd School Maintenance Schedule 21.01.16' and Judd School – Vizards 2 Geotechnical Survey 20 10 15. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Phase 1 works (all weather pitch) and phase 2 works (natural turf pitches and changing rooms).
- No development shall commence until a community use agreement has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall apply to the artificial grass pitch, natural turf pitches and changing rooms and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

**Environment Agency** no comments received to date.

**Natural England** advises that the proposal is unlikely to affect any designated Nature Conservation Sites or Landscapes, and has no comment to make with regard to impact upon 'protected landscapes'.

**The County Council's Biodiversity Officer** raises no objection to the application and comments as follows:

"Due to the level of surveys which were carried out in 2014 and because no habitats containing reptiles, Dormice or breeding birds would be impacted by the proposed development we are satisfied that sufficient information has been provided to determine the planning application.

### Bats

Bats have been recorded foraging/roosting/commuting within Haysden Country Park. As such it is likely that bats are foraging and commuting within the proposed development site – particularly along the hedgerows within the site.

Lighting can have a negative impact on foraging and commuting bats and floodlighting has been proposed for one of the pitches.

We have reviewed the information which has been submitted with the planning application and we are satisfied that the floodlighting has been designed to minimise light spill and has been located as far away from Haysden Country Park as possible.

As such we are satisfied that on this occasion there is no requirement for emergence surveys to be carried out. If floodlighting is proposed for other pitches within the site (outside of this planning application) we would recommend the applicant contacts their ecologist to discuss the need for activity surveys.

### Enhancements

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

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No details of ecological enhancements have been provided and to incorporate enhancements in to the site we recommend that any gaps within the hedgerows are planted up with native species and the nest boxes for birds and bat tiles/bricks for bats are incorporated in to the new building.”

**Kent Wildlife Trust** has no objection to the principle of the development but raises objection to the proposed floodlighting as Kent Wildlife Trust consider that the specification fails to adhere to the Bat Conservation Trusts guidelines. Kent Wildlife Trust comment as follows:

“My (unqualified) assessment suggests that unless metal halide lamps are prohibited and only low-pressure or high-pressure sodium narrow-beam lamps are fitted, the proposals would fail the Bat Conservation Trust’s guidance. Without appropriate adjustment of the application and/imposition of planning conditions to secure the necessary specifications, the application should not be determined without further bat survey work. In these circumstances, I object to the grant of permission unless and until my concerns have been addressed.”

**The County Council’s Landscape Advisor (Amey)** considers that it is not likely that there would be any adverse impacts on the land, or to the wider countryside and surrounding fields and farm land, as a result of the development. The submitted Landscape Visual Impact Assessment is considered to be robust and accurate, and assess the developments impact as being minor to negligible.

**The County Council’s Lighting Advisor (Amey)** considers that the lighting specification proposed meets the Institute of Lighting Professional’s requirements for lighting in an Environmental Zone E2 (village or relatively dark outer suburban location), and that the switching mechanisms proposed would ensure that the lighting was turned off when not in use. The lighting specification is deemed to be acceptable for the location, and no objections are raised.

**The County Council’s Country Parks Team** no comments received to date.

**The County Council’s Flood Risk Team/SuDs Officer** raises no objection to this application and is satisfied that the proposals are unlikely to increase flood risk. The information submitted with the application is also considered to be sufficiently detailed to preclude the requirement for any associated conditions.

**The Upper Medway Internal Drainage Board** comments as follows:

“In order to ensure that downstream flood risk is not exacerbated by this development, surface water runoff rates from the site must be restricted to no greater than those of the Greenfield site. The applicant must provide an assessment of pre- and post-development runoff rates, along with details of how increased runoff (beyond Greenfield) would be attenuated with on-site storage provided to accommodate the 1 in 100 year rainfall + Climate Change. It is requested that details of the drainage system, and it’s future maintenance, be agreed with KCC’s drainage and flood risk team. (The applicant should be informed that details of the drainage outlet will also require formal land drainage consent from the UMIDB).”

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**The County Council's Archaeologist** raises no objection subject to a condition being placed on any grant of planning permission requiring the securing of the implementation of a watching brief, to be undertaken in accordance with a written specification and timetable which should be submitted for prior approval.

**The County Council's Conservation Officer** comments as follows:

"Whilst the provision of playing fields will have little to no impact on the Haysden Conservation Area the provision of floodlighting at the site is of concern with regard to how light spillage would affect the setting of the Conservation Area. If it can be shown there will be little to no light spillage from the lights then I would have no adverse comments to make on the proposals."

Local Member

26. The local County Members, Mr Chris Smith and Mr Richard Long, were notified of the application on the 3 December 2015.

Publicity

27. The application was publicised by the posting of 5 site notices, advertisement in a local newspaper, and the individual notification of 40 neighbouring properties.

Representations

28. To date, I have received 7 individual letters of representation from local residents. A summary of the main issues raised/points of objection is set out below:

### Highways/Access

- Objection is raised as the application does not include a public footpath along the southern boundary to the Country Park Entrance;
- Dogs walkers, families accessing the Country Park, cyclists, and horse riders use the lane, and increased traffic would be a danger to pedestrians and others;
- Evening and weekend use of the lane is high as people are accessing the Country Park (especially in nice weather);
- Wide deep ditches run along the side of the lane, making it hard to pass in places;
- This proposal would produce vast amounts of additional traffic;
- The Brook Street area is heavily congested and cannot accommodate anymore traffic;
- Residents already have to put up with inconsiderate parking by parents due to local schools;
- Cars that cannot park on site would park on the lane which is not acceptable;

### Landscape

- Whilst the playing fields are acceptable, the building of changing rooms and floodlighting would destroy the area;
- Horrified to learn that there is a proposal to develop land adjacent to Haysden Country Park;
- Part of the field would be turned into a car park;

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### Discussion

29. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 24 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 National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon the Metropolitan Green Belt and wider landscape matters, highway implications and access, and whether the development is sustainable in light of the NPPF.
30. Tonbridge and Malling Borough Core Strategy Policy CP1 seeks to conserve and enhance the environment and requires developments to be sustainable, well designed and respect their setting. This is particularly relevant to this development site which is identified within the Local Plan as being within the Metropolitan Green Belt. Core Policy 3 of the Tonbridge and Malling Core Strategy seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. Core Policy 14 also states that development within the countryside should be restricted to certain acceptable uses only.
31. The NPPF, section 9, paragraph 80 states that the Green Belt serves five purposes:
- a. to check the unrestricted sprawl of large built up areas;
  - b. to prevent neighbouring towns merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF goes on to state (paragraph 89), that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, but lists a number of exceptions to this assumption. One such exception is the provision of appropriate facilities for outdoor sport and outdoor recreation, so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, the provision of a floodlit pitch and a changing room building in this location could affect the openness of the Green Belt, and could have an urbanising affect.

32. The NPPF further states that “as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. The NPPF does not explain in any detail what ‘very special circumstances’ means, but does go on to say “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”. Any built development within the Metropolitan Green Belt could affect the openness of it and would be contrary to planning policies. On this basis the development proposed must be considered as a departure from the Development Plan. Therefore, if Members were minded to grant planning permission, the application would need to be referred to the Secretary of State for his consideration.

### Green Belt Considerations

33. By virtue of the criteria in the NPPF, and various Local Plan Policies, the development is inappropriate in Green Belt terms. Although paragraph 89 of the NPPF lists examples of development that could be considered appropriate within the Green Belt, the County Planning Authority is of the view that the proposals would not meet these exceptions in this case due to the proposed floodlighting and changing room building, and that the

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development is therefore inappropriate by definition. Inappropriate development is also, by definition, harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted. Such development should not be approved, except in very special circumstances. It is, therefore, necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against inappropriate development.

34. A Planning, Design and Access Statement was submitted in support of this application. The applicant considers that the development falls under the definition of appropriate development within the Green Belt which, as outlined above, is not a conclusion that I agree with in this instance. However, the applicant has further set out what they consider to be the very special circumstances that warrant setting aside the general presumption against what would be inappropriate development in the Green Belt. The applicant considers the following 'very special circumstances' are sufficient to collectively outweigh any Green Belt policy objection:
- i) The identified need for additional sports facilities;
  - ii) The provision of improved facilities; and
  - iv) The quality of the design and level of mitigation proposed that would ensure that the impact on the openness of the Green Belt would be limited;
- Each of these 'very special circumstances' as put forward by the applicant will be considered and discussed in the following section of this report. I will take each point in turn, first considering the case of need for additional sports facilities for The Judd School.

#### Case of Need

35. As outlined in paragraph 24 of this report, great emphasis is placed within planning policy generally, specifically paragraph 72 of the NPPF, to the need to create, expand or alter schools. This application is proposing to provide additional sports facilities for The Judd School, development which is supported in principle by such planning policy.
36. As outlined in paragraph 6 of this report, the application site already benefits from planning permission for its conversion into playing field under consent reference KCC/TM/0435/2014. That application was approved on the basis that The Judd School was lacking sufficient outdoor playing field provision to meet the needs of its existing pupils, and those expected following expansion (approved under consent reference TM/15/554). A case of need for the provision of additional playing fields at this site has, therefore, already been established and accepted.
37. However, the case of need is further enhanced in this case as should application reference KCC/TM/0390/2014 (item D2 on these papers) be granted approval, The Judd School would lose their playing field provision at the Yeomans site on Upper Haysden Lane. A case of need has been set out in that application to support the relocation of Ridge View School, and having accepted this, the Yeomans site has been identified as the only available and suitable site within the Borough for the required replacement school facilities. Key to the success of application KCC/TM/0390/2015 is the provision of replacement sports facilities to a equivalent and better standard than that to be lost. Should this application not be successful, the relocation of Ridge View School to the Yeomans site would not be able to proceed. The applicant advises that the application site represents the best opportunity to provide replacement facilities for The Judd School, in considering the change of use that has been granted, the adjacent facilities and parking provision at Vizard 1, and the proximity to The Judd School. Further, the application site is under the freehold ownership of The Judd School, meaning the

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proposals are deliverable. This represents a significant case of need for this application, and I fully accept this.

38. In addition, the application documents contain letters of support for the proposals from both Tonbridge and Malling Leisure and the Tonbridge Sports Association. Both parties express a demand for a locally accessible floodlit pitch. In addition, the Tonbridge Juddians Rugby Football Club (TJRFC) have set out the limitations of their existing training facility and welcomes the opportunity of working with The Judd School and having limited evening and weekend access to the floodlit pitch for training purposes. Such support for the proposals further adds to the case of need for such a facility.
39. Based on the above, in my view, it is evident that a clear case of need for the development exists. The application site has already been granted change of use to playing field following a case of need previously considered and accepted. Further, the provision of a floodlit pitch has support from local sports promoters and clubs. Lastly, the relocation of Ridge View School (Item D2 on these papers) is reliant on the provision of replacement sports facilities to mitigate the loss of the Yeomans site should that development be granted permission. Without the facilities proposed under this application, the Ridge View School relocation could not proceed. Given the strong support for the provision of school places within local Planning Policy and the NPPF, and the further Policy Support for the provision of required school facilities, I consider that the need for the development should be given significant weight in this instance. Having accepted a need for the sports facilities proposed, it is now important to consider that further very special circumstances put forward by the applicant.

### The provision of Improved Facilities

40. The applicant further advises that this proposal would represent a crucial opportunity to improve the quality and quantity of The Judd School's off-site playing field provision. Currently, I am advised that the Yeomans site has a number of limitations as follows:
- unheated changing room;
  - no washing facilities and/or toilets;
  - poor drainage resulting in waterlogged pitches;
  - lack of parking facilities (already approved at Vizard 1);
  - no all-weather pitch facility; and
  - only a single floodlight offering limited use out of daylight hours.
41. The proposed changing room building would have separate changing rooms, toilets, showers, physio/officials changing area and a break out space, all collectively representing a significant improvement over the existing facility at Yeomans. The quality of the pitches would also be an improvement over those currently provided at Yeomans. The application site would be levelled and prepared in accordance with industry standards, and drained to minimise waterlogging. The floodlit synthetic all weather pitch is something which The Judd School do not currently have, or have access to, and would significantly improve the facilities available to the pupils of the school.
42. The development of Vizard 2, as proposed, would also link physically with Vizard 1 which is currently under development. The proposed development would therefore have access to the approved 60 space car park on site, something which the Yeomans site does not have. Further, the application site is closer to The Judd School than the Yeomans site, and has an approved off road pedestrian link between the site and Brook Street (which has pavement links to the main School). Access to the site for pupils, who walk from the school, is therefore considerably safer and easier, as well as being quicker. Lastly, moving the playing field from Yeomans to the application site would have the benefit of

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containing all of The Judd School's off site playing fields in one location, which would assist in respect of learning, teaching and management of training and games within and outside of school hours.

43. The provision of improved facilities for state funded school is heavily supported in local Planning Policy and within the NPPF, and I accept that the proposals would provide significantly improved sports facilities for The Judd School. The case of need and the provision of improved facilities are both, in my view, very special circumstances that in this case go some way to outweighing the presumption against inappropriate development within the Green Belt. However, the impact of the development on the openness of the Green Belt also needs to be assessed.

Impact on the Openness of the Green Belt

44. First, it is important to note that the application site is well screened from public views by a mature hedgerow, mature trees and other forms of soft landscaping along all of the site boundaries, and the boundary planting of adjoining fields. However, openness of the Green Belt is described as an 'absence of development' irrespective of the degree of visibility of the land in question from public vantage points. Therefore, any development within the Green Belt, whether visible or not, would have some impact on the openness. Whether that impact is either acceptable or unacceptable is a matter of fact or degree based on the specifics of each case.
45. The application site is currently an arable open field and the proposed development would, without question, introduce a new built form into the Green Belt. However, I consider that the proposed layout of the site has been carefully designed to maintain the openness of the Green Belt as far as practicably possible. The changing room building is proposed to the south east of the application site, adjacent to the approved car parking, and in an area of the site that would benefit from screening from tree planting in the south eastern corner of the application site. The building footprint has also been kept to a minimum, and the roof designed to minimise the building height and reduce the perceived massing. The floodlit synthetic pitch has also been designed to minimise its impact, with green fencing and the minimum amount of lighting columns necessary to be fit for purpose. The lighting specification has also been designed to minimise light pollution in sensitive areas. The remainder of the site would remain as open grass, albeit laid out as formal sports pitches, and would link with the wider landscape beyond, including Haysden Country Park to the north.
46. It needs to be borne in mind that protection of the Green Belt and the protection of landscape per se are two separate matters, although landscape impact can become a very special circumstance in assessing Green Belt openness. The County Council's Landscape Advisor has assessed the proposal and the accompanying Landscape Visual Impact Assessment, and concludes that the development has been designed to minimise impacts on the surrounding area, including the Green Belt. Whilst the development proposals would inevitably have some impact on the openness of the Green Belt, I consider that the changing room building, floodlit pitch and sports/outdoor facilities, would be well contained within the immediate context of the application site, and that the impact of the proposals on the openness and functioning of the Green Belt would be very limited. The overall contribution made by the site to the Green Belt would, in my view, be largely maintained if the proposed development were to proceed.



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Summary – Very Special Circumstances/Green Belt Considerations

47. It should be borne in mind that open sports facilities, and limited ancillary development, are a defined appropriate use within the Green Belt. It could be argued, therefore, that the development as proposed is appropriate. However, in considering the provision of a floodlit pitch and a changing room building, I am of the opinion that the proposal represents inappropriate development within the Green Belt and have assessed the development as such. Overall, I accept the applicant's assessment and application of Green Belt Policy as set out in the submitted documentation, and I have considered this in the context of the Development Plan Policy and the NPPF. The development is inappropriate development for the purposes of Green Belt consideration and is, therefore, by definition harmful. Nevertheless, in my view, the considerations summarised above are sufficient collectively to constitute 'very special circumstances' capable of outweighing harm, in this particular case. Furthermore, I accept that the particular siting and design of the proposals has been carefully considered to help mitigate the impact of the development on the functioning and openness of the Green Belt. Accordingly, I do not consider that an objection on Green Belt grounds would be warranted in this particular case. However, if Members were minded to grant permission, the application would need to be referred to the Secretary of State for Communities and Local Government for his consideration before permission could be granted.

Siting, Lighting Specification and Design – Conservation Area, Wider Landscape and General Matters including Residential Amenity

48. Having accepted the siting and design of the proposed facilities in Green Belt terms, the siting and design must also be considered in terms of impact on the Lower Haysden Conservation Area, the wider landscape, and residential and local amenity. First, it is important to note that the development would not only be well screened by existing hedge and tree planting, but it would be well over 300 metres from local properties. I am more than satisfied that this degree of separation would ensure that the changing room building, floodlit pitch and associated playing fields would not have any negative impacts on the amenity of local residents. Although local residents could experience a change of view, that is not a material consideration in the determination of this application. Nevertheless the degree of existing screening would mean that views of the development would be limited in any instance.
49. Views of the development from the hamlet of Lower Haysden, which is a Conservation Area, do however need to be considered as the development could affect the character and appearance of the Conservation Area. The hamlet of Lower Haysden lies to the southwest/west of the application site, with the closest residential property in Lower Haysden being approximately 350metres away from the western site boundary. The County Council's Conservation Officer considers that the provision of playing fields would have little to no impact on the Haysden Conservation Area. However, it is further considered that the provision of floodlighting at the site could be a concern should light spillage not be contained within the application site. The Conservation Officer concludes that if it can be shown that there would be little to no light spillage from the lights then there would be no adverse impact on the Conservation Area.
50. The applicant is proposing to provide six 15metre high lighting columns each with three luminaires. The applicant advises that the floodlighting proposed (Abacus Challenger 1 floodlight) has been specifically selected as it is particularly suited to areas where low light pollution is essential. The main beam of light is emitted at an angle of 60 degrees forward when the glass is horizontal, resulting in a flat floodlight appearance, minimising the area of reflector visible from outside of the site. The applicant further advises that the

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proposed lighting would keep overspill and upward light to a minimum, and this has been demonstrated within the submitted application documentation. The lighting specification has been designed to achieve a maintained illuminance value of 218lux, with a uniformity of 0.7, which meets the requirements of the Rugby Football Union. The site, being intrinsically dark in character, would be classified by the Institute of Lighting Professionals (ILP) as an Environmental Zone E2 (Low District Brightness). The applicant advises that the lighting specification has been designed to meet the ILP Zone E2s stringent light control parameters, whilst maintaining the specified illuminance levels for use for Rugby.

51. The County Council's Lighting Advisor (Amey) considers that the lighting specification proposed meets the Institute of Lighting Professionals requirements for lighting in an Environmental Zone E2 (village or relatively dark outer suburban location), and that the switching mechanisms proposed would ensure that the lighting was turned off when not in use. The lighting specification is deemed to be acceptable for the location, and I am satisfied that any light spill from the pitch would be well contained within the parameters of the application site. Additionally, the use of baffled luminaires would minimise any glare from the lighting, i.e concealing the lantern as well as containing any upward or outward light spread.
52. I am therefore satisfied that the development would not have a negative impact on the character and appearance of the Conservation Area, nor would it adversely affect the setting of the Listed Buildings within the hamlet of Lower Haysden. In addition, I am satisfied that the proposal would have no impact on Haysden County Park to the north or the High Weald Area of Outstanding Natural Beauty which lies to the south of the A21, and am further satisfied that wider landscape impacts would be minimal given the degree of screening and the proposed layout of the site. However, should permission be granted it is essential that the lighting is installed and set up in strict accordance with the submitted lighting specification, and that the switching mechanisms proposed are implemented to ensure that lighting is not left on when the pitch is not in use. Hours of use would also be strictly controlled, with lighting not in use any later than 9.30pm Monday to Friday, and 5pm on Saturdays and Sundays, with no use of bank holidays. Subject to these matters being controlled by planning condition, I am satisfied that the proposed floodlighting would not have a significantly detrimental effect on the amenity of the immediate locality or indeed the wider landscape.
53. With regard to community use of the floodlit pitch, this will be discussed later in this report. However, the Borough Council request that the proposed hours be reduced to 8.30pm Monday to Friday and consideration be given to further limiting Sunday afternoon use. The applicant advises that through consultation with the TJRFC, the only intended community user at this time, a timetable for use was devised based on basic minimum requirements. The applicant further advises that to reduce the proposed hours further would jeopardise the viability of the scheme and reduce the expected rental returns to a level insufficient to maintain the artificial pitch. In considering the limited amount of community use proposed, and the degree of separation from residential properties, I am satisfied that the hours of use proposed would not result in a significantly detrimental impact on the amenity of local residents. Moreover, the hours of use proposed are already limited and would result in very little use of the floodlighting in summer months.
54. With regard to the proposed changing room building, in my view, the small low scale building would respect the character of the site, and would not detract from the overall quality of the surrounding area. The built development proposed is therefore, in my view, in accordance with the principles of Development Plan Policy and respects the character and appearance of the surrounding development in terms of scale, massing, design and appearance. The applicant has provided indicative details of external materials, as

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outlined in paragraph 16. However, in my view, it would be appropriate to seek further and final details of all materials to be used externally pursuant to condition, should permission be granted. Subject to the imposition of that condition, I do not consider that the design, massing, or scale of the building would have a significantly detrimental impact upon the appearance or amenity of the locality and, therefore, would be acceptable.

55. Lastly, as the changing room block would provide a physio/officials changing room which could double up as a first aid area, one of the three metal storage containers approved as part of consent reference KCC/TM/0435/2014 (TM/15/121) (the development of Vizard 1) would no longer be required and would be removed from site. Tonbridge and Malling Borough Council consider that the County Council should remove Permitted Development Rights to prevent the applicant from installing additional storage containers on the site. I consider this to be appropriate in this instance, and the County Planning Authority would not wish to see further storage containers, or other small buildings, erected on the site without having been considered and assessed by the Planning Authority. Therefore, should permission be granted, a condition on consent would remove Permitted Development Rights at this particular site.

#### Landscaping and Biodiversity

56. In addition to the wider landscape implications of the proposals, as discussed above, the localised impact of the proposals on existing trees and hedging needs to be considered. I can confirm that the development would not result in the loss or removal of any trees and/or hedgerow which surrounds the site. The County Council's Biodiversity Officer does however recommend that any gaps within the existing hedgerow are planted up with native species. However, planning consent reference KCC/TM/0435/2015, which has already been implemented, is already subject to a condition requiring additional planting, specifically the filling of any gaps within the existing boundary hedgerows with native species. This matter is therefore already covered by a previous planning permission, and I see no reason to impose a duplicate condition in this case.
57. With regard to Ecological matters, the County Council's Biodiversity Officer is satisfied that the mitigation detailed within the planning application is sufficient to determine the planning application. Ecological enhancements, such as bird and bat boxes are required, and should permission be granted this would be secured by planning condition. Further, Natural England advise that the proposal is unlikely to affect any designated Nature Conservation Sites or Landscapes, and has no comments to make with regard to impact upon protected species.
58. Kent Wildlife Trust, who have no objection to the principle of the development, raise objection to the proposed floodlighting specification as they consider that the proposed lamps do not comply with the Bat Conservation Trusts (BCT) Guidelines. Kent Wildlife Trust consider that unless metal halide lamps are prohibited and only low or high pressure sodium narrow beam lamps are fitted the proposal would fail the BCT guidance. The applicant confirms that the floodlighting specification was developed with the BCT guidance notes in mind and that, apart from the lamp type, all other requirements within the guidance have been met. The applicant advises that low and high pressure sodium lamps are coloured and their use fails the colour requirements sets by England Rugby. Given that the pitch would be used for rugby, failing England Rugby's requirements is not acceptable to the applicant.
59. The applicant further advises that every effort has been made to design the specification to meet the guidance set out by the BCT, to minimise the impact of the lighting, whilst maintaining a viable proposal that is fit for purpose. It must also be borne in mind that the

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BCT guidance is guidance and not a requirement in the preparation of lighting schemes. The County Council's Biodiversity Officer is satisfied that the floodlighting has been designed to minimise light spill and has been located as far away from the boundary of Haysden Country Park as possible, and therefore, is further satisfied that no further work with regard to bats is required. In considering all of the above, and the need to balance the interests of protected species against providing a development that is fit for purpose, and in considering the limited hours of use proposed, I am satisfied that the applicant has taken all reasonable steps to ensure that the development would not have a significantly detrimental impact on protected species. I therefore see no reason to refuse the application on this ground.

### Sport England matters

60. As can be seen in paragraph 25 of this report, Sport England support this proposal subject to the imposition of the conditions set out within their consultation response. The required conditions concern construction and maintenance of the facilities, phasing of the development, and end use, including the submission of further details regarding community use. Phase 1 of the development (the floodlit pitch) must be provided by 1 September 2016, a timescale put forward and agreed by the applicant to enable replacement sports facilities for The Judd School to be provided to mitigate the loss of the Yeomans field should application KCC/TM/0390/2015 be approved (item D2 on these papers). Submission of additional details regarding community use is required, something which Highways & Transportation also request (see paragraph 67 below), and I have no objection to this request. Should permission be granted, the conditions required by Sport England would be imposed on the permission to ensure that the development is constructed and maintained in accordance with the specified guidelines, and to ensure that the facility is put to best use.

### Parking and Highway Issues including Community Use

61. As outlined in paragraph 22 of this report, local residents have raised objection to the proposal on the grounds of increase traffic flow in Lower Haysden Lane. It is further stated that the Lane could not accommodate additional traffic in considering its use as an access to Haysden Country Park, and its use by pedestrians, cyclists and horse riders. It is further suggested that the proposal would generate vast amounts of traffic and the overspill parking would occur in local roads, including Lower Haysden Lane.
62. First, it is important to note that the proposed development would, in the main, be for school use only during the school day with access for pupils being on foot via a dedicated footpath link (provided under consent reference KCC/TM/0435/2014). However, the applicant is proposing limited evening and weekend use of the proposed floodlit pitch by TJRFC, and a possible other local club on Friday evenings only. Such use would involve access to the site by car, and the impact of this needs to be assessed.
63. In the consideration of the highway impacts of this development, it is important to note that the development of Vizard 1 (KCC/TM/0435/2014), which was considered to be acceptable on highway grounds, proposed school use of the playing fields only. Community use was specifically precluded, and a condition of consent ensured that that be the case. However, School uses include matches against away teams and, as such, parking for spectators and visiting team players is provided on site. The design and layout of the car park, which can accommodate approximately 60 cars and 3 minibuses, was considered by Highways and Transportation to be acceptable and more than capable of accommodating the requirements of that development.

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64. This application is not proposing to amend the approved access and car parking arrangements in any way. However, the applicant has confirmed that The Judd School would not be using the facilities at Vizard 1 or Vizard 2 should the floodlit pitch proposed be in use by TJRFC. Therefore, the car park would not be in use by the School and would be fully available for use by the TJRFC only. Should permission be granted a condition of consent, as required by Highways and Transportation, would be imposed ensuring that The Judd School would not be using Vizard 1 or 2 when the floodlit pitch was in use by TJRFC.
65. The submitted Transport Assessment states that the for general evening and weekend use, the TJRFC would have an average of 30 people on the pitch, with the maximum expected on a Sunday morning with up to 60 using the pitch for training. However, even with a maximum expected use by 60 members of TJRFC, the applicant advises that a maximum of 30 cars would park on site, with the remainder of members car sharing or being dropped off/picked up. The existing 60 space car park could easily accommodate 30 parked cars, with enough space on site to accommodate a further 30+ cars dropping off and picking up. Further, such low numbers of vehicle trips to the site would, in my view, have very little impact on Lower Haysden Lane and its users. Highways and Transportation consider that the capacity of the car park would not be exceeded, subject to the condition outlined above prohibiting use by The Judd School when TJRFC are using the facilities, and therefore I am satisfied that general use of the proposed development by TJRFC would not have an acceptable impact on the local highway network and would not lead to overspill parking in local roads.
66. However, as outlined in paragraph 18 of this report, it is also proposed that TJRFC elite men's first 15 would use the floodlit all weather pitch on Saturday afternoons should their home ground at The Slade be unavailable due to flooding. I am advised that The Slade has only flooded once in the last two seasons, so such emergency use would typically be very limited. The applicant has not provided figures for expected vehicle trips should such an emergency arise and, therefore, Highways and Transportation have requested the submission of additional information before any use for emergency matches occurred. Therefore, should permission be granted, a condition of consent would require that prior to any use of the site by TJRFC for emergency matches, a Traffic Management and Overflow Parking procedure is submitted for the written approval of the County Planning Authority. Subject to such a condition, I am satisfied that the very limited proposed use of the site for emergency matches in the event of flooding at The Slade would not have a significantly detrimental impact on the operation of the local highway network.
67. In addition to use of the floodlit pitch out of school hours by the TJRFC, the applicant is also proposing use by another possible local club/team on Friday evenings (6 to 9.30pm). However, no further details are available at this time. Highways and Transportation do not consider that further community usage (beyond use by TJRFC) should be allowed on site at this time due to a lack of information regarding the level of use and number of vehicle trips that such use could generate. However, as discussed above, Sport England requires the submission of a Community Use Agreement which would set out the level of use proposed, including any use by an additional local club/group on a Friday evening. I consider that that document should also be subject to consultation with Highways and Transportation, and should the level of use on a Friday evening be acceptable in Highway terms, that that use could commence upon approval of the Community Use Agreement. Subject to such a condition, I see no reason why use of the proposed facility on a Friday evening by another local club/group would have a detrimental impact on the local highway network.

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68. The Borough Council further requests that a condition prohibiting coach access to the site be imposed on the consent. Such a condition was also imposed on the consent for the development of Vizard 1 (KCC/TM/0435/2014), and I see no reason why it cannot be reiterated here. Therefore, should permission be granted a condition prohibiting coach access to the site would be imposed on the consent.

Pedestrian Access

69. The Borough Council and a local resident consider that the applicant should upgrade and extend the footpath link to the application site (approved under consent reference KCC/TM/0435/2014) to provide a pedestrian link between Brook Street and Haysden Country Park for members of the public. However, the applicant in this case cannot reasonably be expected to provide a Public Right of Way to meet the needs of other development or land. However, the upgrade and extension of the footpath is something that the School have suggested could be undertaken at such time as the neighbouring safeguarded land is developed, subject to agreement with all relevant landowners. That option could be pursued in the future as and when further residential development occurs, and is not something that is proposed or should be provided as part of this application, although the current proposals do not jeopardise some later provision of a pedestrian route.

Drainage

70. First, as outlined in paragraph 2 of this report, the entire site (excluding the south east corner) falls within Flood Zone 2, and a small area of the north west of the site falls within Flood Zone 3. The River Medway lies approximately 280 metres to the north west of the application site at its closest point, and sites within Flood Zone 2 and 3 represent locations where there is a 'medium' and 'high' risk of flooding respectively. It is therefore accepted that the site is prone to flooding, it is in the floodplain, and subsequently a Flood Risk Assessment has been submitted in support of the application.
71. The development, as an open recreation area, is defined as a functional flood plain compatible use. I therefore have no objection to the principle of the development within the floodplain. With regard to the application exacerbating flooding, apart from the flood lit pitch (which would be actively drained) and the footprint of the changing room building, the site would remain as a grass field. Further, the applicant is proposing to install drainage on the site to ensure that the pitches do not become waterlogged, and the prevent pooling of water on the site. Lateral and collector drains would thereafter be installed across the site. The 3G pitch would have a full drainage system installed prior to surfacing the pitch, which would direct surface water east to west to link with the wider collector drainage system. I am advised by the applicant that the proposed drainage design would reduce surface water run off by approximately 20%.
72. The Upper Medway Internal Drainage Board state that downstream flood risk should not be exacerbated by this development and that surface water runoff rates from the site must be restricted to no greater than those of the Greenfield site. It is requested that details of the drainage system, and it's future maintenance, be agreed with the County Council's Drainage and Flood Risk Team. First, it should be noted that surface water runoff rates would be reduced by the effective drainage methods proposed. Further, the County Councils Drainage and Flood Risk Team raise no objection to the application and consider that sufficient information has been submitted by the applicant to negate the need for further information to be submitted pursuant to condition. Subject to the development being carried out in accordance with the submitted details, I am satisfied that drainage of the site is acceptable, and that the development would not exacerbate

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flood risk. The applicant should liaise with the Upper Medway Internal Drainage Board with regard to any approvals that they may need (discharge of surface water) and this should be covered by way of an informative.

Archaeology

73. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, a condition of consent should be imposed. It is requested that no development takes place until the applicant has secured the implementation of a watching brief, to be undertaken in accordance with a written specification and timetable. I consider that the suggested condition would be an appropriate requirement in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore, subject to the imposition of the required condition, I do not consider that this proposal would have a detrimental impact on archaeological remains.

Construction matters

74. Given that there are nearby (not directly adjacent) residential properties, and Haysden Country Park to the north of the site, I consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative parking, details of wheel washing/cleaning facilities, details of how the site access would be managed to avoid conflict with vehicles on Lower Haysden Lane and details of the construction access. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy. In addition, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

Conclusion

75. This proposal has given rise to a variety of issues, including the need for very special circumstances to justify inappropriate development in the Green Belt, the impact of the proposed development on the openness of the Green Belt, and the impact of the development on the wider landscape and the local highway network. I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints. I also consider that the development has been designed to minimise the impact of the development on this part of the Green Belt, and its functioning. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network, the wider landscape, or the amenity of local residents, and would accord with the principles of sustainable development as set out in the NPPF. In addition, support for the provision of improved school facilities is heavily embedded within the NPPF and local planning policy, and this development would satisfy a required need for improved sporting facilities for The Judd School. Therefore, 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 aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Therefore, I recommend that the application be referred to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision, permission be granted subject to appropriate conditions.

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### Recommendation

76. I RECOMMEND that the application BE REFERRED to the Secretary of State as a departure from the Development Plan on Green Belt grounds, and that subject to his decision that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limit for implementation;
- the development to be carried out in accordance with the permitted details;
- submission of details of all materials to be used externally;
- hours of use of the floodlighting limited to 9.00pm Monday to Friday, 5pm Saturday and Sunday and no use on Bank Holidays;
- extinguishing of lighting when pitch not in use or 15 minutes of last use;
- 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;
- removal of Permitted Development Rights;
- no coaches to access the site;
- no use of Vizard 1 or 2 by The Judd School if Tonbridge Juddians Rugby Football Club are using the floodlit pitch;
- submission of a Traffic Management and Overflow Parking procedure prior to any use of the site by TJRFC for emergency matches;
- Playing fields to be constructed in accordance with the submitted TGMS 'Drainage Design & Pitch Profile' ref TGMS-0866.8-7, Judd Drainage Information 26.01.16 and Judd School – Vizards 2 Geotechnical Survey 20 10 15;
- The playing field/artificial grass pitch shall be used for Outdoor Sport and for no other purpose;
- Phase I of the development shall be made available for use by 1st September 2016 and Phase II of the development shall be made available for use by 1st September 2018;
- The all-weather pitch, natural turf playing pitches and changing room block shall be constructed and managed in accordance with the submitted 'The Judd School Maintenance Schedule 21.01.16' and Judd School – Vizards 2 Geotechnical Survey 20 10 15;
- submission of a Community Use Agreement to be subject to consultation with Sport England and Highways & Transportation, amongst others;
- no use of the site by community users other than the TJRFC until such time as Highways and Transportation approve any further use as set out in the Community Use Agreement;
- tree/hedge protection measures to be adopted throughout construction;
- submission of a specification and timetable for the implementation of a watching brief;
- the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey;
- the provision of ecological enhancements including bird and bat boxes;
- the submission of a Construction Management Strategy, including details of the hours of working, the location of site compound and operative parking, wheel washing/cleaning facilities, and details of the construction access & management of the site access to avoid conflict with vehicles using Lower Haysden Lane;
- measures to prevent mud and debris being taken onto the public highway.



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77. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- The applicant is to undertake discussions with the Upper Medway Internal Drainage Board, and seek any necessary approvals from them with regard to surface water drainage.

Case officer – Mary Green	03000 413379
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Background documents - See section heading
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