

Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) following the granting of planning permission reference TM/15/3918 at Judd School Playing Fields, Lower Haysden Lane, Tonbridge – TM/19/506 (KCC/TM/0484/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 June 2019.

Application by Kent County Council as Education Authority and The Judd School proposing a section 73 application for the proposed variation of planning condition number 5 (removal of time restriction on delivery of pavilion facility) following the granting of planning permission reference TM/15/3918 dated 7 April 2016 at Judd School Playing Fields, Land off Lower Haysden Lane, Tonbridge – TM/19/506 (KCC/TM/0484/2018)

Recommendation: the application BE REFERRED to the Secretary of State for HCLG on Sport England grounds, and that SUBJECT TO his decision that PLANNING PERMISSION BE GRANTED SUBJECT to conditions.

**Local Member:** Mr Richard Long

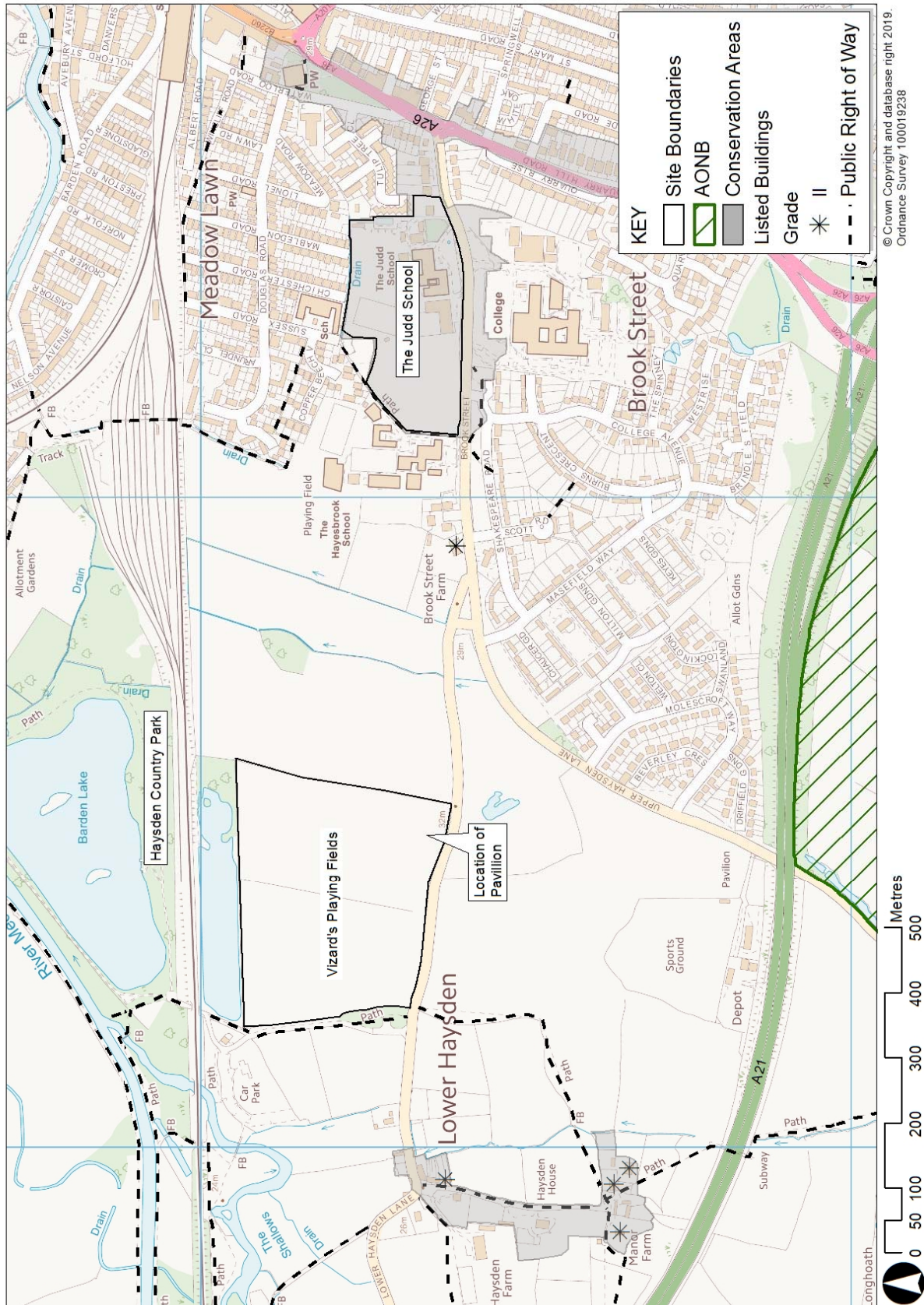
**Classification:** Unrestricted

#### Site

1. The Judd School is a Voluntary Aided Grammar School for boys, with a mixed sixth form (approximately 25% are female), located to the south west of Tonbridge town centre, just under half a mile from Tonbridge train station. The main school site is accessed via Brook Street (pedestrian and vehicular), and the school also has remote playing fields (known as Vizards) approximately 0.6 of a mile to the west, adjacent to the access to Haysden County Park on Lower Haysden Lane (see planning history in paragraph 4).
2. This application relates to the remote playing fields (Vizards) and, as set out in the proposal section of this report, proposes a variation to condition 5 of planning permission reference TM/15/3918, to enable a delay in the provision of a permanent pavilion facility at the site. The 5ha site, which is rectangular shaped and relatively flat, accommodates grass sports pitches, a floodlit all-weather pitch, car parking and associated access, and temporary storage and toilet facilities. The site is within Judd School's freehold ownership for which change of use to playing field (from agricultural land) was established under application reference TM/15/121 (see paragraph 4). 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, and the access road to Haysden Country Park to the west. Haysden Country Park, a designated Local Nature Reserve, which incorporates fishing lakes and parkland, lies to the north of the site. It should be noted that the fields to the east of the application site, between the site boundary and the boundary of the urban area of Tonbridge, are designated as 'Safeguarded Land' under Policy CP4 of the adopted Core Strategy. An outline planning application (reference 19/00014) is currently being considered by Tonbridge and Malling Borough Council for up to 125 new homes, a new Primary school and associated access and landscaping.
3. The application site is within the Metropolitan Green Belt.  
*A site location plan is attached.*

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

Site Location Plan



**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

Site layout as approved under consent reference TM/15/3918



PI	First issue	AP	ZM	05.11.15
rev	description	drawn	checked	date

**PRELIMINARY**

**Bond Bryan Architects**  
 veris house 95 high street westham TN16 1RE  
 t +44(0)1622 587300 w www.bondbryan.com  
 f n/a b @bondbryan  
 e thejuddschool@bondbryan.co.uk

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

**Site Plan**

bba internal project reference scale(s) @A3  
 15-178 1:1250

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

**JSP - BBA - Z0 - ZZ - DR - A - 01001**  
 subtable : code description

revision : code description  
**D5 ISSUED FOR PLANNING APPROVAL**  
**P1 PRELIMINARY**

The document is © Bond Bryan Architects Ltd. It is a confidential document and its use is restricted to the project for which it was prepared. It is not to be used for any other purpose without the written consent of Bond Bryan Architects Ltd. All dimensions are in millimetres unless otherwise stated. Verify all dimensions prior to construction. Immediately report any discrepancies on this document to the architect. This document shall be read in conjunction with associated reports, specifications and related consultants' documents.

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

Changing room building elevations as approved under consent reference TM/15/3918


P1	First issue	AP	ZM	05.11.15
rev	description	drawn	checked	date


**Bond Bryan Architects**

versals house, 56 high street, westonham, TN16 1RE  
 t +44(0)1959 567200 w www.bondbryan.com  
 f n/a tw @bondbryan  
 e thejuddschool@bondbryan.co.uk

**PRELIMINARY**



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




bbas internal project reference	scale(s) @/A3					
15-178	1:2.61, 1:4.44					
drawing / document name :						
project	originator	zone	level	type	role	number
<b>JSP - BBA - Z0 - ZZ - DR - A - 00003</b>						


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

This document is © Bond Bryan Architects Ltd. If in doubt ASK. Drawing measurements shall not be obtained by scaling. Verify all dimensions prior to construction. Immediately notify the architect if any errors are identified. This drawing is for information in conjunction with associated reports, specifications and related consultants' documents.


  




3 East Facade



4 Aerial North East Corner



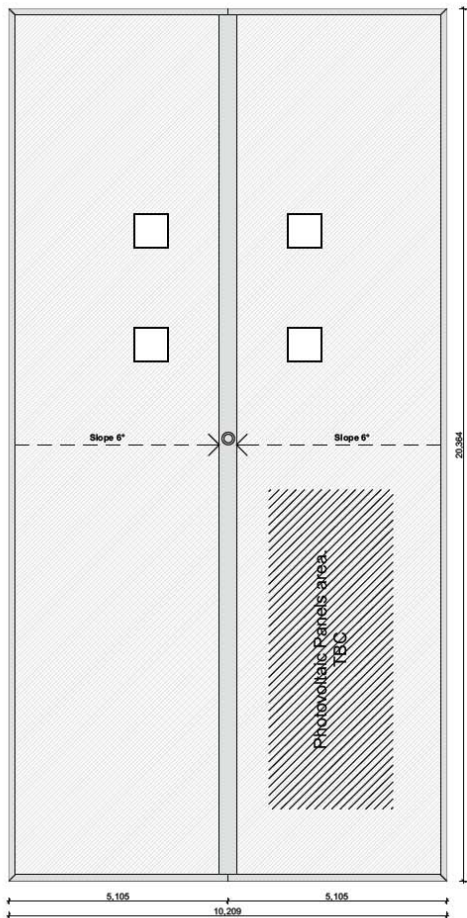
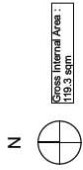
1 South West Corner



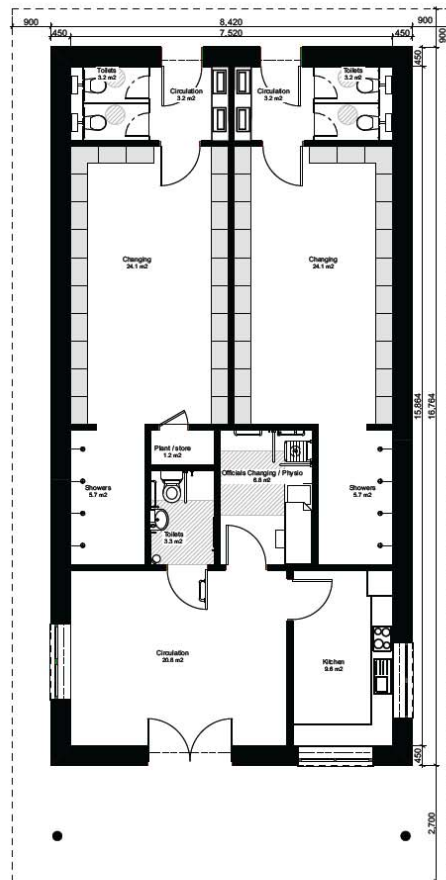
2 Aerial South West Corner

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

Changing Room Building Floor Plan as approved under consent reference TM/15/3918



Roof Plan



Ground Floor Plan

P1	First Issue	AP	ZM	05.11.15
rev	description	drawn	checked	date

**PRELIMINARY**

**Bond Bryan Architects**  
 versatile house 85 high street westlatham TN16 1RE  
 t +44(0)1959 567300 w www.bondbryan.com  
 f n/a e @bondbryan  
 o thejuddschool@bondbryan.co.uk

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

**Floor Plans**

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

drawing / document name :  
 project originator zone level type role number  
**JSP - BBA - Z0 - ZZ - DR - A - 02001**

suitability: code description  
 D5 ISSUED FOR PLANNING APPROVAL  
 revision : code description  
 P1 PRELIMINARY

This document is © Bond Bryan Architects Ltd. It is issued AS-BC. Drawing measurements are for information only and should not be used for construction. The document shall be read in conjunction with associated models, specifications and related consultants' documents.



**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

Relevant Planning History

4. The table below summarises recent and relevant planning history at the Judd School (both the main school site and the remote playing fields). Those that relate to the remote playing fields (Vizards) are highlighted in grey:

Application Reference	Description	Decision
TM/18/1924 (KCC/TM/0443/2018)	Proposed expansion from 5 to 6 forms of entry involving two storey extension of existing religious studies building, two new multi use games areas (MUGA), creation of new 'exit only' footpath link to Mabledon Road, provision of 14 additional car parking spaces and associated landscaping works	Approved 11/03/2019
TM/18/2532 (KCC/TM/0485/2018)	Section 73 application for the proposed variation of planning condition number 8 (removal of 'no community-use' restriction) following the granting of planning permission reference TM/15/121 dated 16 April 2015	Approved 21/02/2019
TM/18/2527 (KCC/TM/0493/2018)	Full planning application for the proposed erection of a temporary single storey modular building to be used as changing room/pavilion facility to serve the Judd School's off-site outdoor sports facilities	Approved 13/12/2018
TM/15/3918 (KCC/TM/0385/2015)	Full planning application 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 rooms block and associated landscaping works	Approved 07/04/2016
TM/15/554 (KCC/TM/0038/2015)	Proposed expansion of The Judd School (Brook Street, Tonbridge) from 4 to 5 forms of entry involving the demolition of existing kitchen and part of the dining space and reinstatement of former external facade, erection of a part two and three storey building, provision of 9 additional car parking spaces and associated landscaping works	Approved 28/04/2015
TM/15/121 (KCC/TM/0435/2014)	Proposed change of use from agricultural land to recreational playing field to serve The Judd School together with associated ancillary development including access, parking and hard landscaping works	Approved 16 April 2015

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

Background and Proposal

5. Planning permission reference TM/15/3918 included, amongst other matters, a pavilion building located in the south east corner of the site, as shown on the plan on page 3 of this report. That single storey building, with a gull wing roof design, contained two separate changing rooms, toilets, showers, physio/officials changing room and a general break out/circulation space, as shown on the floor plan on page 5. The building was 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 (see elevation drawing on page 4).
6. Condition 5 of planning permission reference TM/15/3918 reads as follows:

Phasing of the development

Phase I of the development (all weather pitch and floodlighting) shall be made available for use by 1st September 2016 in accordance with the Proposed Site Layout Plan (drawing number TGMS-0866.8-2 Rev 2) and with the standards and methodologies set out in the guidance note 'Natural Turf for Sport' (Sport England, 2011) and 'Artificial Surfaces for Outdoor Sport' (Sport England 2013). 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 Rev 2) and Changing Room Block – Floor Plans (drawing number JSP BBA Z0 ZZ DR A 02001 Rev P1) 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).

*Reason: To ensure the quality of pitches is satisfactory and that they are available for use within agreed timescales.*

7. The above condition required the approved pavilion facility (referred to as changing room block) to be provided on site by 1 September 2018, and in accordance with the approved plans. This application seeks to vary the above condition to require the provision of a pavilion facility within a further four year period. All other requirements of condition 5 have been met.
8. The applicant states that the main reason that the pavilion building has not been provided within the previously approved timescale is due to funding shortfalls. The approved pavilion had an estimated build cost of £600,000, which I am advised was not affordable to the school whilst it continues to repay a £1million loan needed to deliver the new teaching building approved under consent reference TM/15/554.
9. Further, the school wished to alter the design from that approved to provide a pavilion at the site that would be more substantial and suitable for the long term needs of the site and its users (the site is available for community use). The cost of such a building would be far greater than the £600,000 needed to provide the approved building, hence the need for an additional four year period to be able to secure funding and be able to provide the facility. For the avoidance of doubt, should an alternative design of the pavilion building be pursued by the school, this would be subject to a separate full planning application. Should the school wish to provide the pavilion as approved under consent reference TM/15/3918, they would be able to do so within a further four year period, should this application to vary the condition be approved.



**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

10. The School are currently constructing a temporary pavilion on site as an interim measure, which was granted a 5 year temporary permission in December 2018 (reference TM/18/2527). The temporary facility, see plan on page 5 of this report, is located in the south east corner of the site and provides 4 changing rooms and a 'club house'. Toilet facilities are provided on site in a temporary portababin facility, provided as part of the main development of the site.

#### Planning Policy Context

11. The Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application in that they are relevant to the application site as a whole:

- (i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, 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;

- (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. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

(iii) **Development Plan Policies**

**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 Waterringbury.

**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

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

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.

**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.

**(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 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

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

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.

## Consultations

12. **Tonbridge and Malling Borough Council** – no comments received to date (consulted on 7 November 2018).

**Sport England** objects to this application. Sport England consider that four years is not an acceptable time frame, particularly when it is considered that the school is already in breach of its planning condition. Further, Sport England do not feel that they have been provided with any comfort that the temporary facility is satisfactory in terms of meeting their 'facilities guidance' as well as equalities and safeguarding, given that it is proposed to be used for the next 4 years rather than a shorter timeframe. Sport England would accept a 12 month extension only.

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

Local Member

13. The local County Member, Mr Richard Long, was notified of the application on the 7 November 2018.

Publicity

14. The application was publicised by the posting of 2 site notices, advertisement in a local newspaper, and the individual notification of 36 neighbouring properties.

Representations

15. To date, I have received 1 letter of representation which raised objection to the provision of a 'new building in this area' due to potential impact on the local landscape and wildlife, and also traffic implications.

I wrote back to the resident and explained that planning permission for a pavilion building at the Judd School Playing Fields (Vizards) was granted planning permission under application reference KCC/TM/0385/2015 (TM/15/3918). I further explained that the pavilion should have been built by now, but the School wish to secure additional funding in the long term to provide a building of a better quality design that would have a lesser impact on the local landscape than that already permitted, hence the application we are considering seeking to vary the time restriction for the provision of a pavilion. I explained that use of the site would not change over and above that that they have permission for and that, for avoidance of doubt, a pavilion building has permission here and we are not reconsidering the merits of that in determining this application.

I gave the resident a further 14 days to reply with any further points of concern, otherwise it would be assumed that their concerns had been addressed and they had no further comments to make. Nothing further was received.

Discussion

16. This application seeks to vary condition 5 of planning permission reference TM/15/3918 to extend the specified timeframe for the provision of a permanent pavilion facility on the site from 1 September 2018 for a further period of four years from the date of determination of this application (should permission be granted).
17. As set out in paragraph 8 of this report, the main reason that the pavilion building is yet to be provided is due to funding shortfalls. Further, the school wishes to alter the design from that approved to provide a pavilion at the site that would be more substantial and suitable for the long term needs of the site and its users (the site is available for community use). The cost of such a building would be far greater than the approved building, hence the need for an additional four year period to be able to secure funding and be able to provide the facility. For the avoidance of doubt, should an alternative design of the pavilion building be pursued by the school, this would be subject to a separate full planning application. Should the school wish to provide the pavilion as approved under consent reference TM/15/3918, they would be able to do so within a further four year period, should this application to vary the condition be approved.

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

18. As an interim measure, a temporary pavilion building was granted a 5 year temporary permission in December 2018 (reference TM/18/2527). The temporary facility, see plan on page 5 of this report, is currently being constructed in the south east corner of the site and will provide 4 changing rooms and a 'club house'. Toilet facilities are provided on site in a temporary portababin facility, provided as part of the main development of the site.
19. The key determining issue in considering the merits of this application is whether or not a further four year time frame to provide a permanent facility is acceptable. Sport England do not consider that a four year extension would be acceptable, and request a 12 month extension only.
20. However, as stated above, the Judd School wish to improve the design and specification of the already approved permanent facility, and in order to be able to provide this, funding must be secured. In addition, such an improved facility would need to be subject to a separate full planning application and a period of 12 months would simply not be sufficient to secure funding, design a scheme, and secure planning permission. In the event that the school should decide to provide a pavilion in accordance with the previously approved design, funding would still need to be secured and I am advised that this also could not be achieved within 12 months.
20. In addition, as per paragraph 18 above, the school have provided a temporary facility on the site. Although Sport England do not consider that the temporary pavilion accords with their 'facilities guidance', the four changing rooms and 'club house' that the temporary facility provides more than meets the applicants needs. The site also has toilet facilities in a portacabin which has been on site prior to its first use. It should be noted that the approved permanent facility includes two separate changing rooms, toilets, showers, physio/officials changing room and a general break out/circulation space. The temporary facility does not provide the shower facilities, but actually provides more changing rooms than the approved permanent facility, in addition to providing an official's changing room and general break out 'club house' space. Therefore, I am more than satisfied that the temporary facility meets the needs of the users of the site on an interim basis.
21. Whilst noting Sport England's view that a 12 month extension only should be permitted, in reality that period of time is not practicable in enabling the school to secure the required funding, especially when considering their intention to secure planning permission for an improved scheme. Moreover, the applicant has provided a temporary facility at the site which meets the needs of the sites users. I therefore consider a further four year period within which to provide a permanent facility to be acceptable in this instance.
22. As Sport England are objecting to this application, should Members be minded to agree with the recommendation to permit this application subject to conditions, the application would need to be referred to the Secretary of State for Housing, Communities and Local Government for consideration before planning permission could be issued.
23. Application reference TM/15/3918 was assessed against the development plan policies summarised in paragraph 11 above, including consideration against Green Belt Policy. It was concluded that very special circumstances were demonstrated in that particular case for overriding Green Belt policy constraints, and that the development would not give rise to any material harm and was otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the 2012 NPPF. This application would not alter those previous conclusions. The changes to the NPPF since 2012 are supportive of the proposal.

**Section 73 application for the proposed variation of planning condition number 5 (variation of time restriction on delivery of pavilion facility) at Judd School Playing Fields, Lower Haysden Lane – TM/19/506 (KCC/TM/0484/2018)**

---

Conclusion

24. This application seeks to vary condition 5 of planning permission reference TM/15/3918 to extend the specified timeframe for the provision of a permanent pavilion facility on the site from 1 September 2018 for a further period of four years from the date of determination of this application (should permission be granted). In considering the reasoning provided by the applicant for the need for this additional timeframe, the applicants intention to provide an improved pavilion in terms of design an specification over that already approved, and the temporary facility that has been provided on site, I am of the opinion that condition 5 of planning permission TM/15/3918 should be varied to provide the applicant a further period of four years within which to provide a permanent pavilion facility.

Recommendation

- 25 I RECOMMEND that the application BE REFERRED to the Secretary of State for Housing Communities and Local Government on Sport England grounds, and that SUBJECT TO his decision that that PERMISSION BE GRANTED for the variation to condition (5) of planning permission TM/15/3918, as follows:

A permanent Pavilion Building shall be constructed on site by 30 June 2023, in accordance with the Changing Room Block – Floor Plans (drawing number JSP BBA Z0 ZZ DR A 02001 Rev P1) as approved under planning permission reference TM/15/3918.

*Reason: To ensure the quality of the permanent pavilion is satisfactory and that it is available for use within agreed timescales.*

Please note that the previous requirements included within condition 5 regarding the provision of other facilities at the site (see paragraph 6 of this report) have been removed from the condition as they have been provided and are operational. Reference to Sport England's guidance is also removed as the permitted scheme accords with those details.

26. I FURTHER RECOMMEND that all other relevant conditions on planning permission TM/15/3918 BE restated except in so far as the wording of certain conditions takes account of the details that have already been submitted and approved.

Case officer – Mary Green	03000 413379
---------------------------	--------------

Background documents - See section heading
--