

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

New replacement outdoor cricket practice facility at The Judd School, Brook Street, Tonbridge, Kent, TN9 2PN – TM/23/3249 (KCC/TM/0200/2023)

A report by Head of Planning Applications Group to Planning Applications Committee on 17 April 2024.

Application by The Judd School for new replacement outdoor cricket practice facility – The Judd School, Brook Street, Tonbridge, TN9 2PN (Ref: KCC/TM/0200/2023 and TM/23/3249).

Recommendation: The application be referred to the Secretary of State for Levelling Up, Housing and Communities to consider the Sport England objection, and SUBJECT TO his decision, planning permission to be granted, subject to conditions.

Local Member: Mr M Hood and Mr P Stepto

Classification: Unrestricted

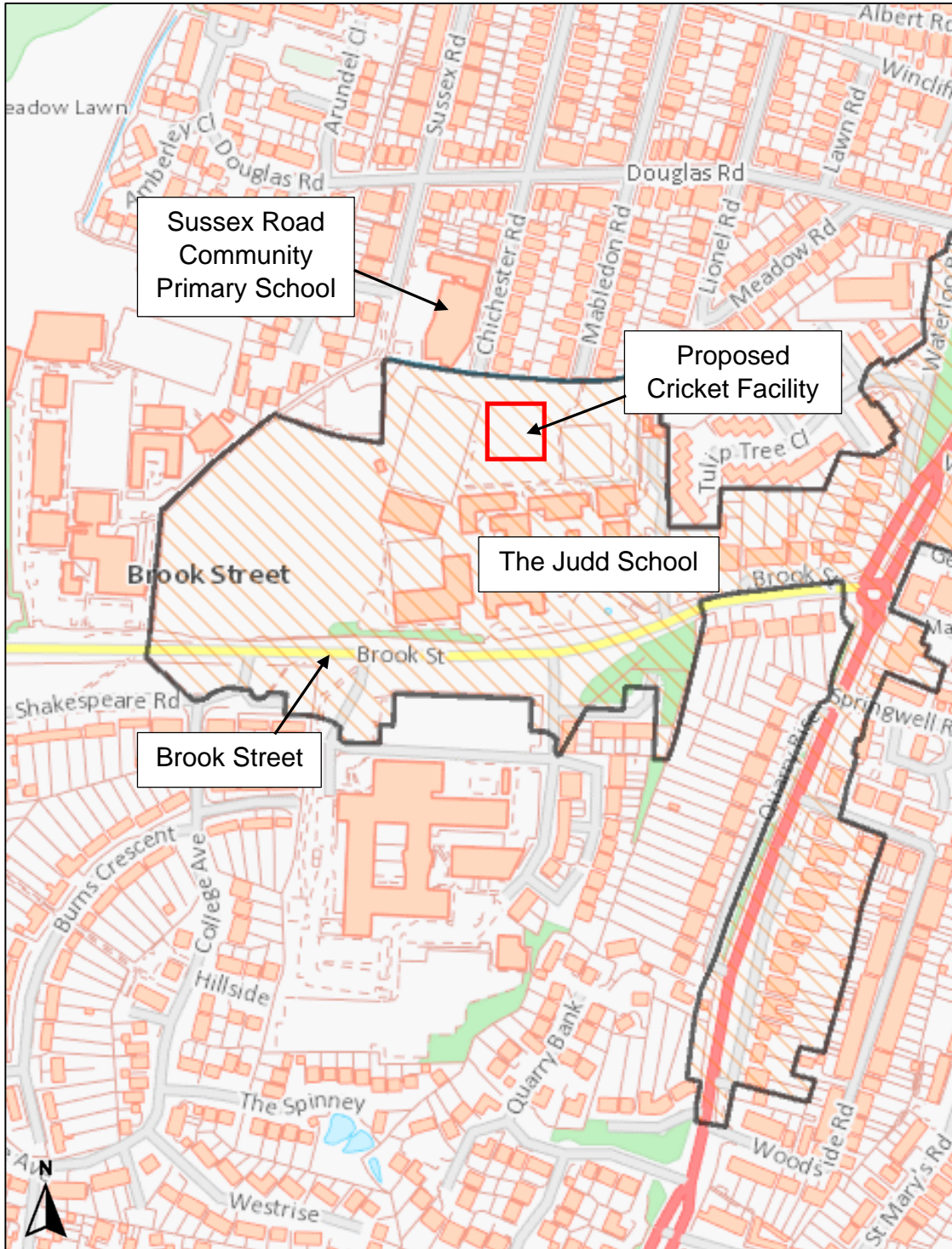
Site

1. The Judd School is a Voluntary Aided Grammar School for boys, with a mixed sixth form, located to the southwest 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. The school's remote playing field includes a floodlit synthetic pitch, grass turf pitches, sports pavilion and changing facilities, and car parking. Vizards playing field can be reached via a footpath along Lower Haysden Lane and Brook Street.
2. The 5.1-hectare main school site lies to the north of Brook Street, opposite West Kent College. The site is split on two levels, with the school buildings located on the higher plateau to the southeast of the site and playing fields on the lower plateau to the north and west. The built accommodation occupies approximately a third of the site and comprises a number of buildings varying in age from the 'School Room' built in 1896, to the Ashton Building completed in 2017 and more recent extensions to the Religious Education Studies building and the two sixth form buildings. Hayesbrook Academy lies to the west of the site, and Sussex Road Community Primary School to the northwest. Residential properties in Chichester Road and Mabledon Road lie to the north of the site (the residential area to the north of the school site is locally known as 'Meadow Lawn') and properties in Tulip Tree Close back onto the school's eastern boundary. The whole of the school site is located within the Quarry Hill Conservation Area. A site location plan is attached.

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Site Location Plan

Site Location Plan



 Conservation Area

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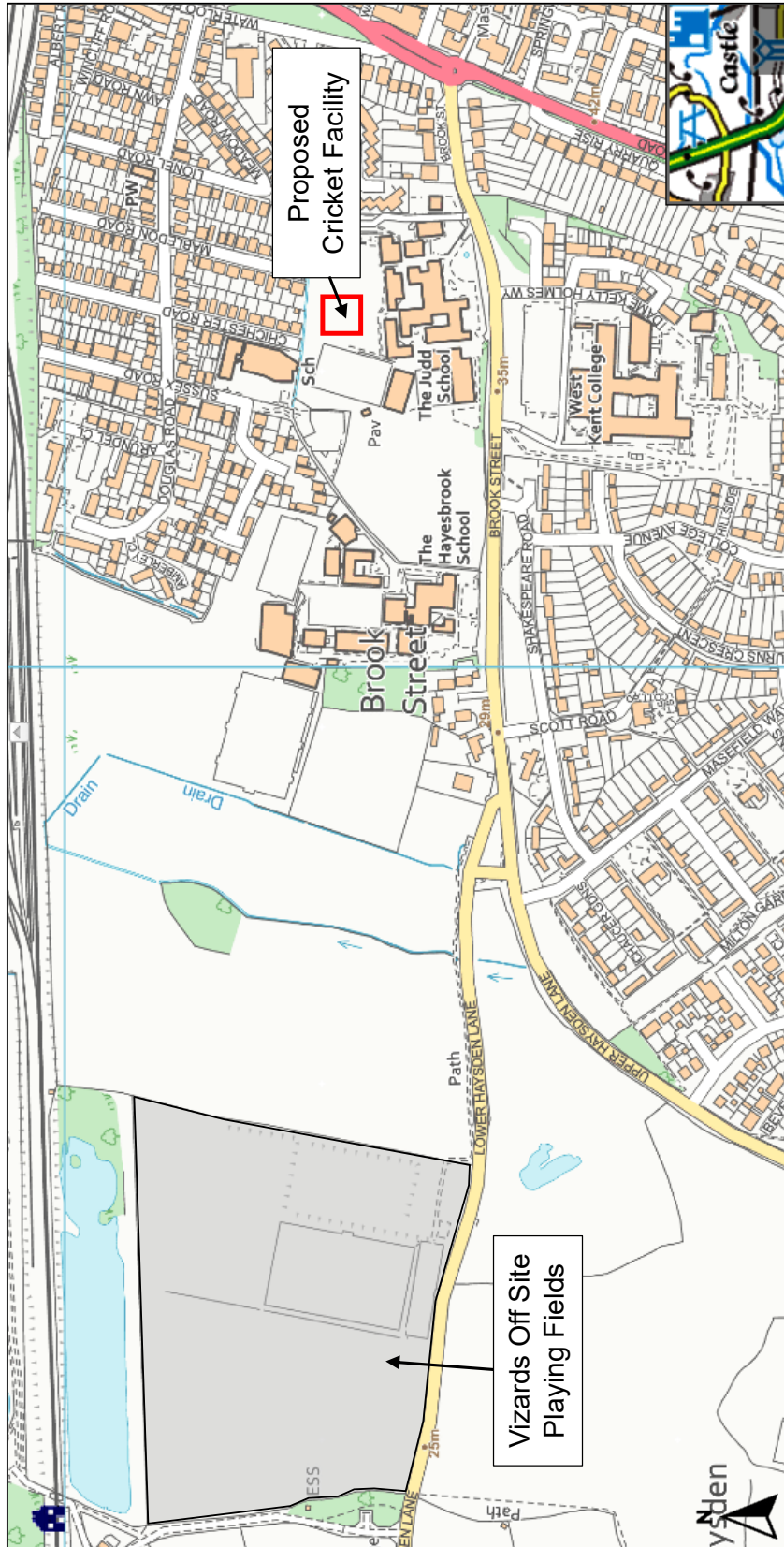
Site Location Plan

Site Location Plan



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Site Location Plan showing the location of Vizards



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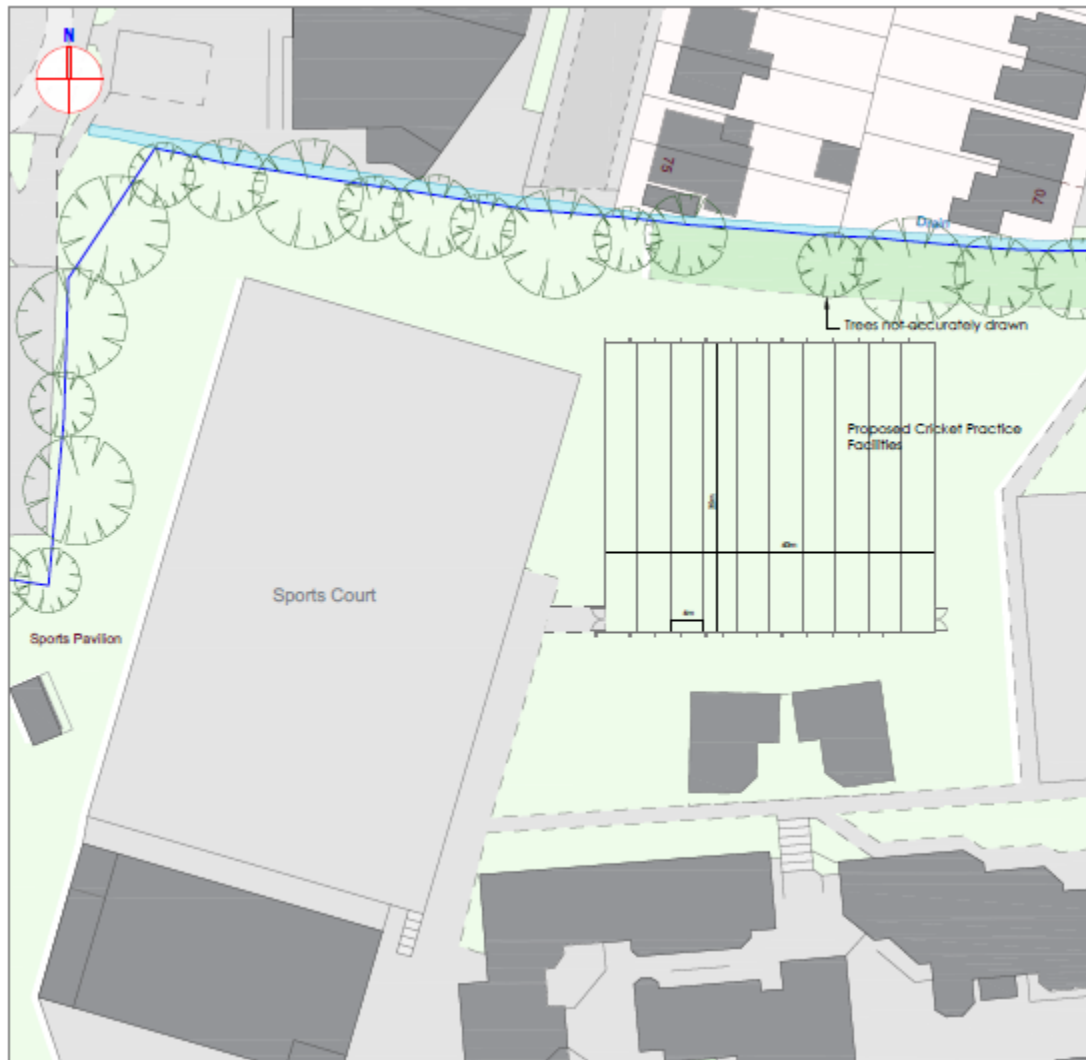
Site Location Plan



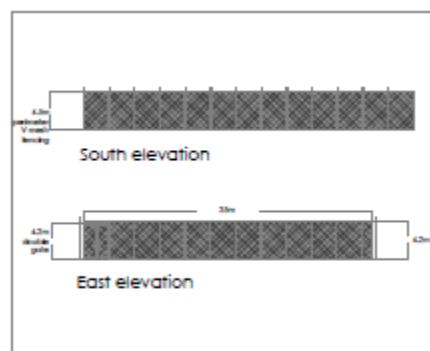
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Site location of cricket practice facility



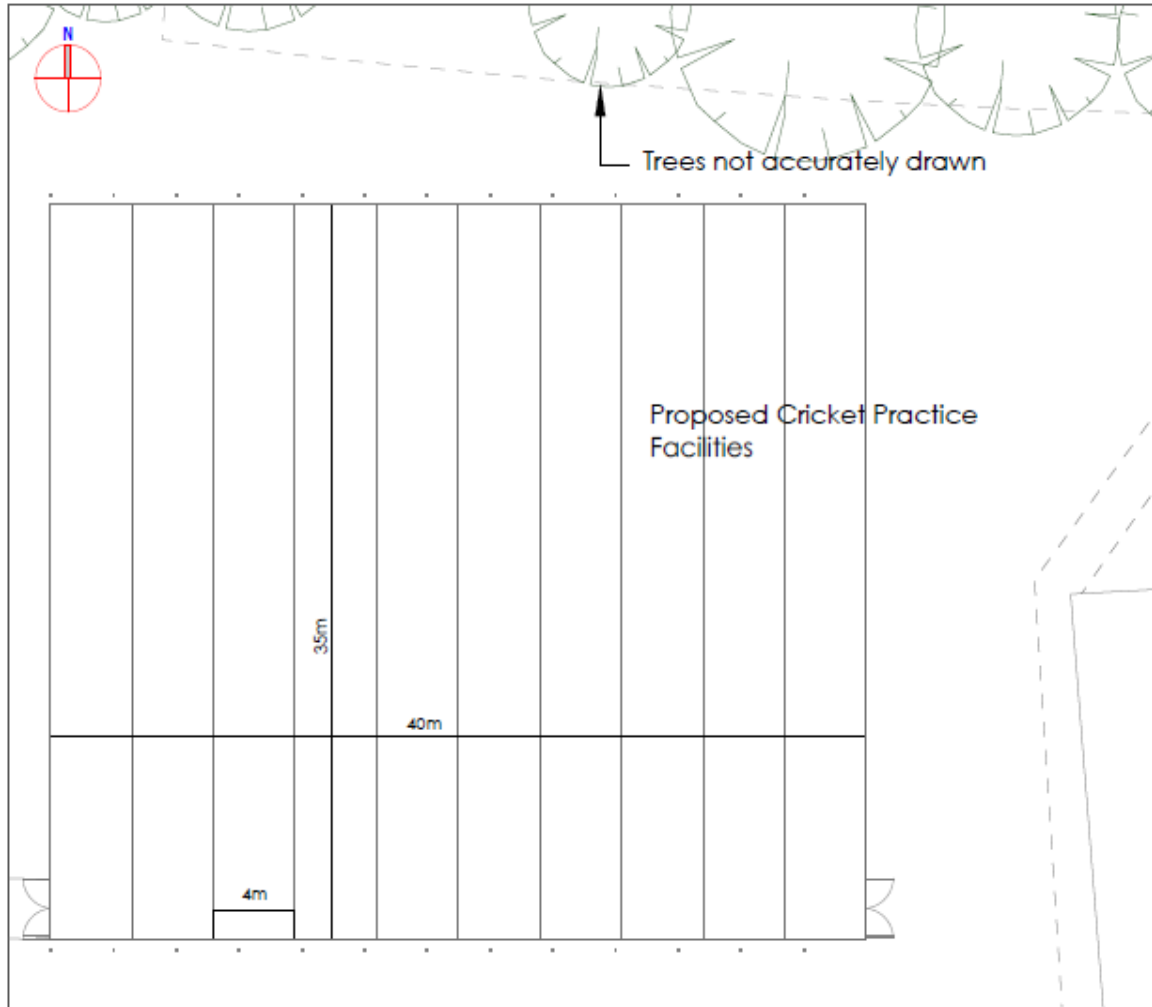
Proposed fencing – east and southern elevations



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Proposed cricket practice facilities



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Background

3. The Judd School is an established education site which is a Voluntary Aided Grammar School for boys and a number of girls attending the sixth form. The Judd School is a popular school and is located off Brook Street, to the south of Tonbridge. The school has been one of the most oversubscribed schools in the Tonbridge Town Centre and in the last 10 to 15 years, the school has grown from a 4 forms of entry (FE) school to 6FE school, which was fully reached in 2023.
4. The Judd School is comprised of two sites. Firstly, the main campus being on Brook Street, which accommodates all of the school's indoor facilities along with outdoor recreational facilities on the northern and western boundary of the school site, and secondly, the Vizards site located on Lower Haysden Lane to the west of the main school campus. This site accommodates additional playing field facilities for the school.
5. The site of this proposed planning application comprises of a small portion of the existing playing field which is situated in the main campus on Brook Street. The main campus has two playing field areas, one is referred to as the upper field to the east and the other is referred to as the lower field to the west.
6. The proposed new replacement cricket practice facility is intended for the upper playing field area, beside an existing 'Multi Use Games Area' (MUGA) facility that was approved under planning reference TM/18/1924, on 11 March 2019. In addition, immediately south of the proposed cricket facility is one of the two new-build sixth form buildings, that are in situ as approved under planning reference TM/22/203 on 16 June 2022. The applicant has confirmed that the proposed cricket practise facility would be located on a disused part of the upper playing field.
7. To the north of this part of the playing field are the curtilages of surrounding residential properties in Tulip Tree Close, Mabledon Road, Chichester Road, Sussex Road and Copper Beech View. To the east is the aforementioned MUGA facility, to the south is the main built-up part of the campus and to the west is an all-weather pitch and an indoor sports hall.
8. The campus itself is surrounded by two predominant land uses: education and residential. To the north and east of the school site are established residential developments, whilst to the south and southwest, on the opposite side of Brook Street, is West Kent College and further residential development respectively. To the west is Hayesbrook Secondary School, and to the northwest is Sussex Road Community Primary School and further residential development. The main pedestrian and vehicular access to the campus is directly off Brook Street. On the northern part of the site is student egress only point onto Mabledon Road, which only opens at school finish times.

Recent Planning History

9. The most relevant recent site planning history is listed below:

TM/23/3248	The permanent retention of sports pavilion facility originally approved under temporary planning consent reference TM/18/2527 (dated 13 December 2018). Granted with conditions.
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TM/23/3247	Section 73 planning application for the proposed variation/removal of conditions associated with decision references TM/18/2527 (dated 13 December 2018) and TM/15/3918 (dated 7 April 2016). Granted with conditions.
TM/22/565	The enhancement of existing gardens at the front of the school. Granted with conditions.
TM/22/203	A single storey sixth form centre and a new sixth form classroom block. Granted with conditions.
TM/19/506	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. Granted with conditions.
TM/18/1924	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. Granted with conditions.
TM/18/2532	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. Granted with conditions.
TM/18/2527	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. Granted with conditions.
TM/15/3918	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. Granted with conditions.
TM/15/554	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.

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Granted with conditions.

TM/15/121

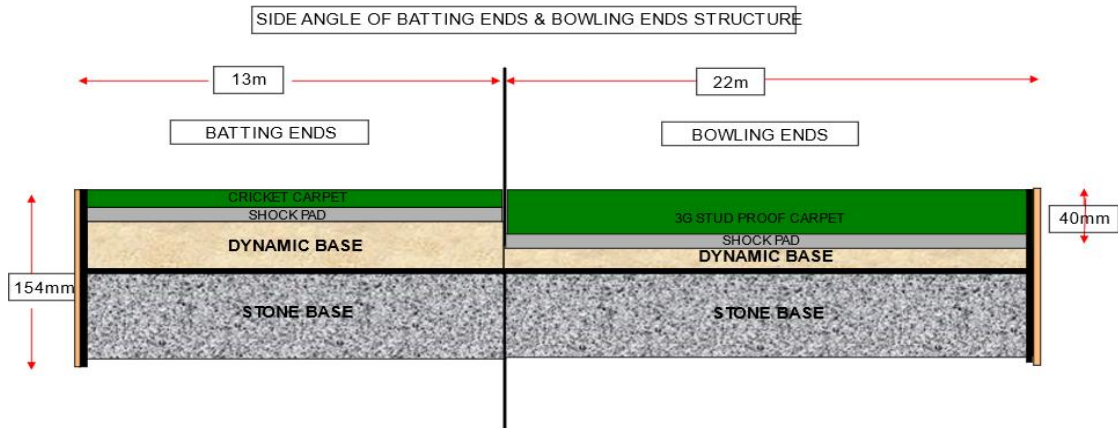
Proposed change of use from agricultural land to recreational playing field to serve The Judd School together with associated ancillary development including access, parking, and hard landscaping works.
Granted with conditions.

Proposal

10. The planning application proposes the installation of a new outdoor cricket practice facility on the schools on-site upper playing field. The proposed 10 lane cricket facility would replace the existing dilapidated cricket nets which are currently located in the southwest corner of the school's on-site lower playing field. The proposed new cricket facility would require the installation of an artificial permeable surface area measuring 35m x 40m and would include a retractable netting system for the 10 lanes and include a perimeter fencing measuring 4.5m in height including 2 lockable gates and a short section of footpath.
11. The proposed development is located to the north of the existing school buildings, on an area of land which the applicant has confirmed has not been used for sports purposes for a significant period of time. The proposed new cricket facility would be located immediately west of the existing MUGA facility and to the east of the existing all-weather pitch and indoor sports hall. To the south of the proposed development area is one of the two recently constructed sixth form centre buildings that were granted planning permission in June 2022.
12. The area of the proposed cricket facility would measure 35m in length and 40m in width and would provide 10no. 4m wide cricket lanes. It is proposed that there would be specific batting ends (13m in length) and bowling ends (22m in length), where the proposed bowling ends would be stud proof so that all bowlers could use their boots to bowl in and there would also be quality batting surfaces where ball bounce would be regular and true. The proposed batting ends would have a green coloured tufted cricket carpet to the entire 13m length and the proposed bowling ends would have a green coloured stud proof carpet to the entire 22m length. In addition, all the proposed stone base layer and carpets would be permeable.
13. Below is a drawing showing the cross section through the side angles of the proposed batting and bowling end's structure, and an example photograph which shows how the batting and bowling ends would meet together to create one continuous carpet.

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14. It is proposed to erect a 10-lane demountable and retractable netting system. This would include 13no. steel winching poles and cables, which would sit outside the perimeter steel fence, and would measure 5m in height. It is proposed that a black 4.5m high safety mesh type netting would be installed in 3 sections, and which one section would cover 4 cricket bays, and two sections that would each cover 3 cricket bays respectively. This would allow the school the flexibility of having either all 10 lanes out at once or just 3 or 4 lanes (or any other combination of 3 and 4 nets). The 13no. steel winching posts are proposed to be painted green and the black nets are proposed to sit inside of the surrounding steel fence structure (please see paragraph 16 below).
15. All the safety style mesh type netting would slide along the tension cables into position, and the whole system could be taken down and stored across the winter period or at any time to suit the school, or simply tied back to the fencing structure. This would then free up the space for other recreational sporting activities as well as being used as a general play space.
16. The perimeter steel fencing would measure 4.5m in height and would encompass the proposed artificial batting and bowling area and would include 2 functioning gates that would allow access to the cricket facility for school pupils as well as any machinery or if necessary, emergency vehicles. It is proposed to erect a safety mesh type fencing

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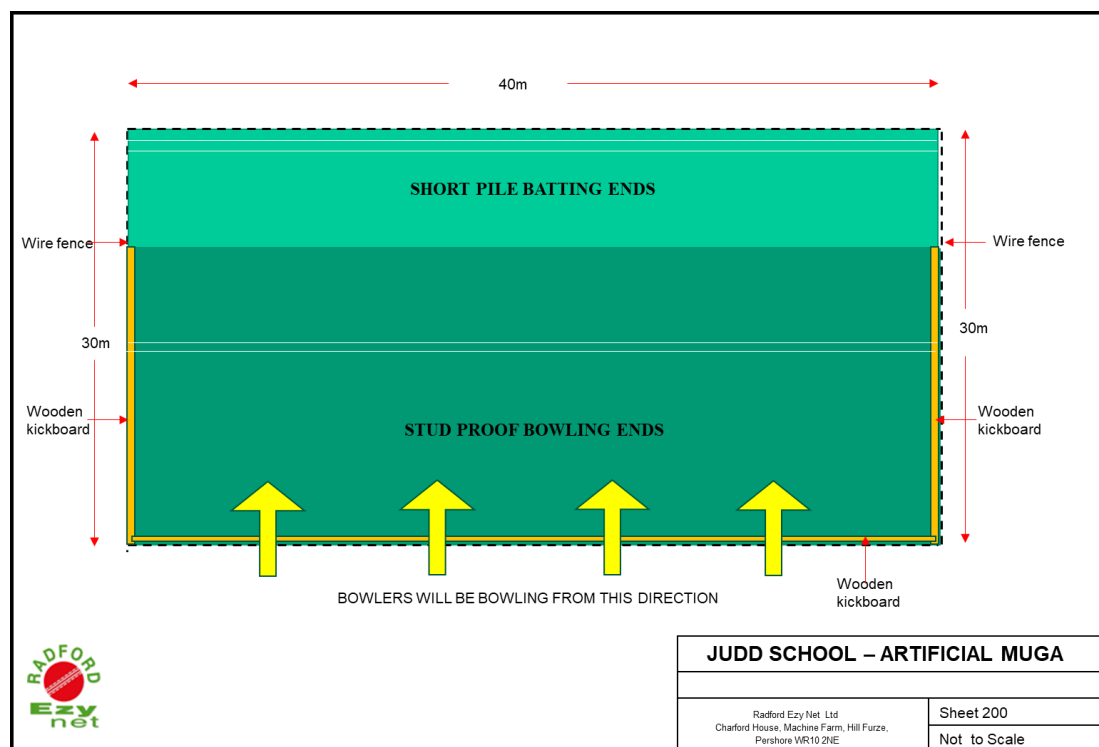
in a green colour (RAL 6005), which is commonly known as V mesh fencing, referencing the “V” shape in the design of the fence, and which is designed to create extra strength and rigidity. This type of fence is also considered by the applicant to be aesthetically pleasing as it offers high-through visibility which would help it blend into its surroundings.

17. Below is an example photograph showing how the steel winching poles and cables, which would sit outside of a perimeter fence, may look.



18. The planning application proposes to provide a wooden kickboard around 3 sides of the perimeter of the facility, which is proposed to contain the rubber crumb that would be included as part of the bowling end stud proof carpet. It is proposed that the wooden kickboard would be made of plywood and would be around 1.2m high and would be coloured green to match the colour of the perimeter fence. It is proposed to be fastened to the perimeter fence surround with nuts and bolts. Below is an indicative drawing showing the locations of proposed wooden kickboards, for information and please note that the proposed length of the cricket facility is 35m and not 30m as shown incorrectly on the below drawing.

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19. The applicant is not proposing to floodlight the cricket facility and there are also no plans to allow community use. The School currently allows community use of the sporting facilities located on its remote playing field, known as Vizards, which is located to the west of the school site at Lower Haysden Lane. However, the applicant has confirmed that the school would be allowing the neighbouring primary school, Sussex Road Community Primary School, to use the new cricket net facility, should planning permission be granted.

Planning Policy Context

20. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF) December 2023** 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.

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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;
- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Ensuring that planning policies and decisions achieve healthy, inclusive and safe places and beautiful buildings which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, through the provision of, for example, sports facilities;
- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;
- Ensure that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location or that the development is for alternative sports or recreational provision, the benefits of which clearly outweigh the loss of the current or former use;
- Conserving and enhancing the natural environment;
- Planning policies and decisions should prevent unacceptable risks from pollution and land instability and should ensure that new development is appropriate for its location, and
- Conserving and enhancing the historic environment.

In addition, Paragraph 95 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.*

- (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

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school sector, to meet both demographic needs, provide increased choice and create higher standards.

(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. In selecting locations for development and determining planning applications the quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and, wherever possible, enhanced. 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 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 CP26 Safeguarding of Community Services and Transport: Seeks to protect viable community facilities to meet existing and future community needs. Community services include school and health facilities.

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

Policy CC3 Sustainable Drainage: Development will not be permitted if it has an unacceptable effect on the water environment, including surface

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- Policy SQ1 water and groundwater quality and quantity. Proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soils conditions. **Landscape and townscape protection and enhancement:** 1) Proposals for development will be required to reflect the local distinctiveness, condition, and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD. 2. 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 OS1 **Protection of Open Spaces:** Seeks to protect and supports the enhancement of existing open spaces and sports and recreational facilities.

Consultations

21. **Tonbridge and Malling Borough Council:** Raises no objection to the planning application.

Kent Highways: Raises no objection to the planning application.

KCC Conservation Officer: Raises no objection to the planning application and has the following comment to make.

'I cannot see any grounds to comment on or object to this'.

Sport England: Initially raised a statutory objection to this planning application on the grounds that the proposed cricket nets and carpet were not English Cricket Board (ECB) approved; that the proposal development does not meet their E5 planning policy exception (*the proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field*) because Sport England does not believe it would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field and that no community use of the cricket facility had been proposed.

Through undertaking correspondence with Sport England and the applicant, and following the submission of additional information, Sport England reconsidered their position and subsequently raise no objection to the application subject to a condition requiring community use of the facility. Sport England comment as follows:

'The proposal is not supported by the ECB as there is no testing information. The ECB were very clear this was required in order for them to reconsider their position.

We have a concern that the proposed containment specification is not to the same standards as other sports, in that there are no barriers, walk areas or boot scraping

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facilities. Without these measures, the 3G rubber crumb will leach out into the environment and could get into natural water courses.

There is also the matter of the recycling of the carpets, which has not been addressed.

As an aside we were bemused on the difference of opinion between the applicants and the supplier of the expected life span of the carpets expressed at our meeting. 13 years is a major difference of expectation for the life of the carpet.

We would **strongly advise** that the authority has a condition requiring a redesign of the containment strategy and a recycling in order to be environmentally responsible.

We note the comment that the applicant are not prepared to have a community use agreement. This is a decision for the planning authority to impose a condition or not, not the applicants.

Given the above, Sport England does not object to the planning application, as we consider the application to meet our E5 planning policy exception subject to the following planning condition:

1. Within 3 months of work commencing on site to create the cricket nets, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school, management responsibilities and include a mechanism for review. The scheme shall include the cricket nets, car parking and access to toilets. The approved scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

Determining the application

If the LPA is minded to approve the application without imposing the above condition, then Sport England objects to the application as it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

If you wish to amend the wording of the condition or use another mechanism in lieu of the condition, please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome, and we are involved in any amendments.

Should the local planning authority be minded to approve this application without the above condition(s), then given Sport England's subsequent objection the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State via the National Planning Casework Unit'.

Local Member

22. The local County Members Mr Hood and Mr Stepto were notified of the application on 23 November 2023. No comments have been received to date.

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Publicity

23. This application was advertised by the placing of a press advert in the Kent Messenger paper on 23 November 2023. A total of 4 site notices were also posted in the roads that surround the school site. 2 site notices were posted along Brook Street at the entrances to the school, 1 site notice was posted in Mabledon Road and 1 site notice was posted in Chichester Road.

Representations

24. No representations were received on this planning application from members of the public.

Discussion

25. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (20) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations including those arising from consultation and publicity.
26. This application is being reported for determination by the Planning Applications Committee due to the comments received from Sport England and requesting the imposition of a Community Use Agreement (CUA) to be secured within 3 months of work commencing on site. The application does not propose community use and as such, public consultations and assessment of the merits of the proposal have not considered community use. The School already allows extensive community use of the school's dedicated and substantial playing field site at Vizards, a short distance from the main school campus. On that basis, officers are not supportive of the suggested imposition of this CUA condition, for the reasons explained below. Without community use of the facility, Sport England object to the planning application, and therefore this application is being reported to Committee for consideration. In this case the key determining factors, in my view, are community use, impact /loss of playing field, need and the principle of the development, design and siting including heritage matters, construction and drainage. In the Government's view, the development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 56 of the NPPF.

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Need and principle of development

27. As outlined in paragraph 20 of this report, the National Planning Policy Framework (NPPF) supports the provision and retention of community facilities as a means of place making and promoting healthy and sustainable communities. Decisions should be made which guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It should also ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.
28. Additionally, Paragraph 103 of the NPPF states that the Government attaches great importance to ensuring that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location or that the development is for alternative sports or recreational provision, the benefits of which clearly outweigh the loss of the current or former use. There is also similar strong policy support in the Government's Planning Policy Statement for Schools (2011).
29. As referred in the background section of the report, the proposal is for the installation of a new outdoor cricket facility on the school's on-site upper playing field and on an area of land which the applicant has confirmed has not been used for sports purposes for a significant period of time. The proposed 10 lane cricket facility would replace the existing dilapidated cricket nets that have reached the end of their lifespan, and which are currently located in the southwest corner of the school's on-site lower playing field. It is proposed to remove the dilapidated cricket nets once the proposed cricket facility is operational. The replacement cricket facility would provide a safe and efficient cricket training facility as well as being used for other recreational uses by the school. It should also be noted that this planning application actually proposes to provide a new outdoor sporting facility on an area of unused playing field and return it back to a sporting use, thus providing sporting facilities and healthy school communities.
30. Based on the above, in my view, it is accepted that there is a need to provide replacement cricket practice facilities and that the proposal would provide an improvement on the current dilapidated facility. I consider that it would also bring back into use an area of unused playing field and return it back to a sporting use. Support for improved school facilities is heavily embedded in the NPPF and the Policy Statement – Planning for Schools Development, and I consider that the education need for the proposed development should be given significant weight in this instance. To ensure that the School can provide a full PE curriculum, in considering the above, I accept the need for the proposed development.

Impact on playing field

31. Sport England initially raised an objection to the planning application as they considered that the proposal would result in the loss of, or the prejudice the use of, land which has been used as a playing field and on grounds that the proposed development did not meet their E5 planning policy exception. Exception E5 reads as follows:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to

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outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

32. Following the submission of additional supporting information by the applicant, and discussions with Sport England, Sport England has withdrawn its statutory objection to the application and raises no objection to the proposal subject to a condition securing community use of the facility. Community Use is discussed in paragraphs 37 to 46 below, and is not proposed by the applicant, nor supported by the recommendation below.
33. Prior to considering the community use matter, consideration needs to be given to the location of the replacement cricket nets and whether the proposed cricket facility would be acceptable in terms of loss of playing field land (albeit an unused area of playing field). The cricket practice facility is proposed to be located to the north of the existing school buildings, on an area of land which the applicant has confirmed has not been used for sports purposes for a significant period of time. The proposed new cricket facility would be located immediately west of the existing MUGA facility and to the east of the existing all-weather pitch and indoor sports hall. The facility therefore appears well located for sports use. I also note that to the south of the proposed development area is one of the two recently constructed sixth form buildings that were granted planning permission in June 2022. Sport England were consulted on the planning application for the proposed two sixth form buildings and raised no objection to the development or their locations, one of which was to be located immediately south of the location of this planning application and on the same area of the upper playing field. As part of Sport England's response to the sixth form planning application, they noted that due to the quality and quantity of the alternative sports provision provided by the school's off-site playing fields, that Sport England would not be raising objection to the planning application.
34. It is also recognised that the school benefits from substantial (10 hectares) of off-site playing field facilities on its Vizard's site, which is located to the west of the school site, off Lower Haysden Lane. The Vizard's site is comprised of several sport and recreational facilities, which includes 2 x grass senior rugby pitch, 5 x grass junior rugby pitch, 1 x grass training pitch, 1 x floodlit synthetic pitch (with restricted non-school use), 1 x hammer cage, 2 x cricket square plus all weather wicket and a single storey changing rooms block. These facilities are also available for community use as secured through the previously approved planning condition 16 from planning permission reference TM/15/3918.
35. I consider that the proposed planning application would not result in the loss of playing field, as the area intended to accommodate the cricket practice facility has been confirmed by the applicant as not having been used as a playing facility for a significant period of time. A previous planning application for the two sixth form buildings, one of which was proposed on this same area of land, raised no objection from Sport England on the grounds of a loss of playing field land. It should be noted that this planning application actually proposes to provide a new outdoor sporting facility on an area of unused playing field and return it back to a sporting use. It would also provide a safe and efficient cricket training facility through containing aerial balls when in use.
36. I therefore consider that the proposed cricket facility would constitute an outdoor sports facility which would improve an existing area of underused open recreational space at The Judd School. It should be noted that the new facility is proposed to replace and modernise the existing cricket facility situated in the lower playing field,

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which has reached the end of its usable lifespan. I also consider that the school has substantial alternative sporting facilities located at Vizards, its off-site playing field. I would not therefore raise a planning objection to this application on the grounds of loss of playing field land.

Community Use

37. Sport England has stated in correspondence that whilst they consider that the proposed development would constitute a loss of playing field, in their view, Policy Exception E5 (*the proposal is an indoor or outdoor sports facility, the benefit of which would outweigh the loss of any playing field*) would be satisfied if there was community use of the proposed cricket facility. Sport England also consider that community use of the facility would not result in a safeguarding issue as the community use could only happen when it was not in school use. Community use would also be in line with Central Government's objective that schools should be the centre of local communities.
38. Furthermore, Sport England confirmed that it would not object to the planning application subject to the following planning condition:

'Within 3 months of work commencing on site to create the cricket nets, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school, management responsibilities and include a mechanism for review. The scheme shall include the cricket nets, car parking and access to toilets. The approved scheme shall be implemented upon commencement of use of the development.'

Sport England went on further to say:

'If the County Planning Authority is minded to approve the application without imposing the above condition, then Sport England objects to the application as it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF' and 'should the local planning authority be minded to approve this application without the above condition, then given Sport England's subsequent objection the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State via the National Planning Casework Unit'.

39. The application as submitted and before Committee does not propose community use for the replacement cricket facility. Upon receipt of Sport England's view, the applicant has confirmed that they are not proposing any community use of this cricket facility and that this project represents an upgrading and replacement of an existing dilapidated cricket net facility that is only used by the School. There is extensive community use already allowed at the school's dedicated and substantial playing field site at Vizards, a short distance from the main school campus, which has been secured through the previously approved planning condition 16 from planning permission reference TM/15/3918.
40. The school and local community currently benefits from substantial (10 hectares) of off-site playing field facilities on its Vizard's site, which is located to the west of the school site, off Lower Haysden Lane. The Vizards site is comprised of several sport and recreational facilities, which includes 2 x grass senior rugby pitch, 5 x grass junior rugby pitch, 1 x grass training pitch, 1 x floodlit synthetic pitch (with restricted non-

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school use), 1 x hammer cage, 2 x cricket square plus all weather wicket and a single storey changing rooms block.

41. The permitted hours of use of the Vizards site allows the school to use the facilities during normal school hours and up to 1800 hours Monday to Friday and on a Saturday morning between 0900 and 1300 hours. Community use is then permitted between the hours of 1800 and 2130 Monday to Friday, between the hours of 1400 and 1700 on Saturdays and between the hours of 0900 and 1700 on Sundays with no use on Bank Holidays. These hours also permit the use of the Vizards all-weather pitch when floodlit but the floodlighting must be completely extinguished when the facility is not in use, and/or within 15 minutes of its last use.
42. The school has confirmed that they do not rent out the playing fields on the main school site, which includes an all-weather pitch and multi-use games area (MUGA), to the community but do permit out of school hours community use of the indoor sports hall, where it should be noted that any noise generated by the users of this facility would be contained within the building. The applicant has stated in the application documents that the proposal would not be floodlit and that it would not be available for wider community use. However, the school would allow the neighbouring school, Sussex Road Community Primary School, to use the cricket facility, should planning permission be granted.
43. To the north and east of this part of the playing field where the cricket facility is being proposed, are a number of residential properties. Currently on this on-site playing field is an all-weather pitch and MUGA. All of these facilities are used during the school day for school use only, with only the school's indoor sports hall being used out of school hours for community use. Given the proximity of housing neighbouring the site, community use of the outdoor sports facilities on the main school site could have a detrimental impact on the amenity of the local residents to the north and east of the site. The acceptability or not of that impact has not been tested through the planning process as community use does not form part of a planning proposal. The School has clearly stated in the planning application documents that there are no proposals to permit community use of the proposed cricket facility, apart from use by Sussex Road Community Primary School. Any surrounding neighbours of the school viewing the planning application documents online would have seen that there were no proposals to allow the usage of the proposed cricket facility out of school hours, and so may not have raised an objection to this application on this basis.
44. I have noted Sport England's requirement that the proposed cricket facility is made available for wider community use and that a planning condition should be included for a Community Use Agreement to be submitted and approved by the County Planning Authority. If the County Planning Authority does not agree to impose Sport England's requested planning condition, then this would result in an objection from Sport England which in turn results in the application being referred to the Secretary of State for his consideration, should Members be minded to accept the recommendation below.
45. As advised above, I am aware of the School's off-site playing field facilities (Vizards) and that there is a Community Use Agreement in place which allows extensive usage of all the sporting facilities at Vizards (listed above in paragraph 40). I consider that the Vizards site provides a significant level of good quality sports pitches for the school and community use, and I therefore do not support the requirement to permit community use of this proposed cricket facility. It should be noted that the schools on-site playing field, including the all-weather pitch and MUGA, is not available to hire

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for community use. I note that the sports hall is hired out of school hours, but as referred to above I consider that any noise generated by the users of this facility would be contained within the building. To permit community use of the proposed cricket facility out of school hours, could generate a noise disturbance to the surrounding neighbouring properties that has not been advised in the planning application documents nor has this potential noise disturbance been properly assessed or considered. It could also raise potential safeguarding and logistical considerations for the operation of the school.

46. Planning applications need to be determined as submitted and in this particular case, without community access for the proposed cricket facilities. In my view, the Planning Authority is unable to impose a community use agreement on the development, unless one is supported by the applicant. The School have stated clearly that they do not intend to allow community use of the proposed cricket facility, which is being proposed as a replacement for the existing on site dilapidated cricket nets that are used solely for education purposes. In coming to that view, the School advises that it already allows extensive use of the Vizards playing field, which includes facilities for cricket for community use. The School also draw attention to potential pupil safeguarding and residential amenity concerns, should the on-site external sports facilities be available for community use. Whilst there is policy support in the NPPF for community use of school facilities, it is not a requirement and, in this instance, I am satisfied that the development would be acceptable without community use. I also consider that Paragraph 103 of the NPPF has been satisfied as the proposed replacement provides benefits that clearly would outweigh the loss of the currently unused area of playing field. Should Committee be minded to grant planning permission, the application will need to be referred to the Secretary of State for his consideration. I am satisfied that the proposal would not have a detrimental impact on the school's sports facilities and would actually provide a sporting facility on an area of the school's on-site playing field that is currently not used for sport.

Design and Siting including Heritage matters

47. This planning application proposes the installation of a new outdoor cricket practice facility on the schools on-site upper playing field. The proposed facility would replace the existing dilapidated cricket nets which are currently located in the southwest corner of the school's on-site lower playing field. The proposed new cricket facility would require the installation of an artificial permeable surface area measuring 35m x 40m and would include a retractable netting system for the 10 lanes and include a perimeter fencing measuring 4.5m in height including 2 lockable gates and a short section of footpath.
48. Sport England had previously raised concerned that the applicant is not proposing English Cricket Board (ECB) approved nets and carpet. Whilst the applicant is aware that the intended netting system is not one of ECB's approved suppliers, it has been confirmed that the proposed netting, the 'Radford Ezy Net', is ICC accredited (International Cricket Council), which the applicant has advised is the global governing body of cricket. The 'Radford Ezy Net' won a World Cup international tender for the 2007 Cricket World Cup in the Caribbean, for all islands and all venues. It has been confirmed that the same company is supplying systems in preparation for the 2024 World Cup.
49. The applicant has also confirmed that it is the only company in the world that installs "STUD" proof bowling ends. This means that bowlers can wear their boots when training, which would benefit players in real match situations. The Radford system

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use their own dense short pile “batting carpet” in the batting ends and it has been confirmed by the manufacturer that the Radford system operates within and exceeds the ECB guidelines in terms of specification and quality. The applicant has confirmed that the proposed facility would be of a high standard and designed specifically to optimise the cricket training experience.

50. Sport England has raised a concern that the proposed containment specification is not to the same standards as other sports, in that there are no barriers, walk off areas or boot scraping facilities. Without these measures, the 3G rubber crumb could leach out into the surrounding environment and could get into natural water courses. It has been strongly advised by Sport England to include a condition requiring information about the containment strategy and recycling, in order to be environmentally responsible. Whilst I note that there has been some information provided about the proposed containment strategy following Sport England’s comments on this matter (see paragraph 21 above), I propose to include this suggested planning condition to ensure that this requirement is appropriately considered.
51. The proposed application site is well screened from the surrounding residential area by boundary fencing and soft landscaping, which acts as a buffer for privacy and security of the pupils and staff. It would also be positioned between two existing sporting facilities (all-weather pitch and MUGA) and next to the recently constructed sixth form building and indoor sports hall. The proposed cricket facility would therefore not be widely visible from the surrounding area and would be located between existing compatible land uses. The proposal has been sited on the upper playing field, which is predominantly occupied by artificial recreation facilities which are surrounded by perimeter fences. The proposed cricket facility is also proposed to be surrounded by a 4.5m green V shaped perimeter fence with a 5m high black retractable netting. This type of fence can be considered to be aesthetically pleasing as it offers high-through visibility which would help the facility blend into its surroundings, including adjacent sporting facilities.
52. Furthermore, this remaining area of the on-site upper playing field has been confirmed by the applicant as an area that is not used often and represents the least possible impact on the school’s outdoor curriculum needs. As demonstrated above, the new facility is also an ancillary and compatible use for a school playing field. Accordingly, it is considered that the proposal satisfies the requirements of Tonbridge and Malling Core Strategy Local Policies CP1 and CP24 and associated NPPF objectives. I would not therefore raise a planning objection to the design and siting of the proposal.
53. The entirety of The Judd School site is located within the Quarry Hill Conservation Area. The Quarry Hill Conservation Area Appraisal was adopted in 2009 with the objective of analysing and recording the special character of the Conservation Area; originally designated in 1991. In describing The Judd School’s buildings, the appraisal states that *‘behind and to the side of the main school buildings, more recent development, including a sports hall, create an attractive assemblage of buildings and do not detract from the historic character’*. This proposed planning application is for the creation of a replacement cricket facility located behind the main built-up part of the site, on the upper playing field. The proposal would also result in the eventual removal of the school’s existing school cricket net facility located in the south-western corner of the lower playing field.
54. I consider that there would be no significant net increase in built development once the replacement cricket facility is operational. The proposed new cricket facility would

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be positioned between two existing artificial games areas on the upper playing field, and I deem the new sports facility to be ancillary and compatible with the existing playing field use. This new feature would not be widely visible from outside of the site and would be compatible with existing surrounding development, which are primarily sports facilities. Accordingly, I consider that the proposed replacement cricket facility would not have a harmful impact on the setting, character or appearance of the Conservation Area, and ultimately, there would be no significant net increase in built development once the replacement cricket facility is operational.

55. It should be noted that the County Conservation Officer had been consulted on this planning application and raised no objection to the application, advising that he 'could not see any grounds to comment on or object to the proposal'. I also note that no comments have also been raised by Tonbridge and Malling Borough Council on conservation issues.
56. In light of the above I am therefore satisfied that the proposed development would not have a detrimental impact on the character and appearance of the Conservation Area and consider that the proposed development satisfies the requirements of the Local Plan Policies CP1 and SQ1. I would not therefore raise a planning objection on this matter, nor design and siting considerations.

Highways Issues

57. No objection has been received on highway grounds to this planning application. There are no plans to increase pupil numbers as a result of this proposed development and there are no plans to allow community use of the proposed cricket facility. Therefore, this would not result in any increase in traffic movements to this site.

Construction

58. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I recommend that construction works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.
59. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day. The applicant would also have to be mindful of all the other schools located in close proximity to the Judd School and ensure that the construction traffic/deliveries was also timed to minimise conflict with traffic and pedestrians at these schools too. I therefore consider it appropriate to impose a further condition restricting any vehicles engaged in deliveries or collections in connection with the proposed construction of the development from entering or leaving the site between the hours of 0800 and 0900 and 1500 to 1600 Monday to Friday during term time. A condition requiring measures to be taken to ensure that no mud is deposited on the public highway is also proposed.

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Drainage

60. The applicant has confirmed that the scope of works for the proposed development would not include invasive below ground works and, therefore the proposal would not have an adverse effect on the water environment including groundwater quality. Further, the development would utilise permeable surfacing which would not have a detrimental impact on surface water runoff, and the requirement for further details of containment (see paragraph 50) would ensure that ground water would not be contaminated by the distribution of the surfacing material. Accordingly, I consider that the proposal satisfies the requirements of Tonbridge and Malling Core Strategy Local Policies CP1 and CP24, the requirements of Tonbridge and Malling LDF Policy CC3 and associated NPPF in relation to flooding. I am satisfied that the development would not have a detrimental impact on the drainage of the school's playing field and I would not therefore raise a planning objection on this matter.

Conclusion

61. This planning application proposes the installation of an outdoor cricket practice facility on the school's on-site upper playing field. The proposed 10 lane cricket facility would replace the existing dilapidated cricket nets which are currently located in the southwest corner of the school's on-site lower playing field. The proposed new cricket facility would require the installation of an artificial permeable surface area measuring 35m x 40m and would include a retractable netting system for the 10 lanes and include a perimeter fencing measuring 4.5m in height including 2 lockable gates and a short section of footpath. The replacement cricket nets would provide a safe and efficient on site cricket training facility as well as being used for other recreational uses by the school when not in use for cricket. As with the existing cricket facility, it would be solely for educational use and no community use is proposed.
62. This application is being reported for determination by the Planning Applications Committee due to the comments received from Sport England and requesting the imposition of a Community Use Agreement (CUA) to be secured within 3 months of work commencing on site. The application does not propose community use and as such, public consultations and assessment of the merits of the proposal have not considered community use. The School already allows extensive community use of the school's dedicated and substantial playing field site at Vizards, a short distance from the main school campus. On that basis, officers are not supportive of the suggested imposition of this CUA condition, and which has been discussed above. Without community use of the facility, Sport England object to the planning application, and therefore this application is being reported to Committee for consideration.
63. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Subject to the conditions below, I do not consider that the development would result in any significant adverse impact in respect of visual and local amenity, including the character and appearance of the Conservation Area, or loss of playing field and would provide enhanced sports facilities for educational use. For the reasons set out above, no community access is proposed and the lack of a community use agreement for the proposed facility in this instance is not overriding, such that planning permission should be refused. The replacement cricket facility would provide a safe and efficient cricket training facility as well as being used for other recreational uses by the school. It should also be noted that this planning application actually proposes to provide a new outdoor sporting

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facility on an area of unused playing field and return it back to a sporting use, thus providing sporting facilities and healthy school communities. The development is in accordance with the principles of the National Planning Policy Framework and has strong planning policy support in the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions as outlined throughout this report, I consider that the proposed development is acceptable and that planning permission to be granted.

64. Therefore, I recommend that the application be referred to the Secretary of State to consider the Sport England objection, and that subject to his decision, permission be granted subject to conditions.

Recommendation

65. I RECOMMEND that the application BE REFERRED to the Secretary of State for Levelling Up, Housing and Communities to consider the Sport England objection, and that SUBJECT TO his decision PLANNING PERMISSION BE GRANTED SUBJECT TO the imposition of conditions, covering (amongst other matters) the following:
1. The standard 3 year time limit;
 2. The development carried out in accordance with the permitted details;
 3. The development to be carried out using materials and colour finishes as specified within the planning application documents, unless otherwise agreed;
 4. Details of a containment strategy to include barriers, walk areas and boot scraping facilities and details of recycling to be submitted for approval within 3 months of the date of the decision;
 5. Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
 6. No vehicles engaged in deliveries or collections in connection with the construction of the development hereby permitted shall enter or leave the site between the hours of 0800 to 0900 and 1500 to 1600 Monday to Friday during term time;
 7. Measures to be taken to ensure no mud is to be deposited on the public highway.

Case officer – Lidia Cook	Tel No.03000 413353
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Background documents - See section heading
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