

<b>Application Number</b>	18/01140/AS
<b>Location</b>	Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent
<b>Grid Reference</b>	02823/455078
<b>Parish Council</b>	None
<b>Ward</b>	Kennington
<b>Application Description</b>	Outline application for the erection of 9 dwellings with access from Canterbury Road (with all other matters reserved), and change of use of land from agriculture to provide two football pitches on land at Ball Lane.
<b>Applicant</b>	Ashford Hockey Club
<b>Agent</b>	Mr S Davies, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB
<b>Site Area</b>	2.98ha

## Introduction

1. The application was previously considered at the 16 January 2019 Planning Committee and was deferred by Members of the committee for officers to seek further clarification on the following matters:-

***Deferred for Officers to explore whether***

***(a) the football pitches are realistic given their flood zone location and ground conditions,***

***(b) whether the 9 homes that are proposed could be better accommodated elsewhere, and***

***(c) whether alternative methods of funding have been fully explored.***

2. The application was reported back to Members at the 20 March 2019 Planning Committee and was deferred for a second time by Members of the committee as to whether:

- ***The Club's business plan was up to date;***
- ***Policy HOU5 of the Ashford Local Plan 2030 applied to Kennington, and if it did whether this site complied with criterion (b);***
- ***The replacement pitches were "equivalent or better provision" in the terms of the NPPF; and,***
- ***Access to the club could move to Canterbury Road instead of Ball Lane.***

Members wished the proposal to be looked at again and that issues raised to be addressed to assuage Members concerns.

## **Site and Surroundings**

3. Please refer to 20 March 2019 appended as annex 2 to this report including the original report to Members of 16 January 2019.

## **Proposal**

4. Please refer to 20 March 2019 appended as annex 2 of this report. The proposal remains as previously submitted but additional justification has been provided to address the resolution made by members of the committee. The supporting information provided by the applicant is as follows:

### Planning Policy HOU5

5. Ashford is listed as a settlement under policy HOU5 of the Local Plan policy as it is the highest tier settlement in the Borough. This policy supports proposals for residential development adjoining or close to the existing built up confines of Ashford. The site is adjacent to other residential development on Canterbury Road and would have to be regarded as immediately adjoining the built up confines of Ashford.
6. Residential development has recently been accepted in accordance with policy HOU5 on Mill Lane, close to the site.
7. In relation to the six criteria of the policy, it is considered these are met as follows:
  - a) The proposal for 9 dwellings is clearly proportionate with the services and facilities offered within Ashford and those available services and facilities can absorb. Given the allocations of up to 700 homes proposed in the town, this proposal for 9 dwellings must be regarded as proportionate with Ashford and the scale of the developed deemed acceptable for the town.

- b) The site is within easy walking distance of 800 metres to services including a public house, a hotel, secondary, primary and infant schools. A range of shops are located at Ball Lane with the Faversham Road junction (which is slightly greater distance from the site). Both Canterbury Road and The Street benefit from regularly served bus routes.
  - c) There is no objection from the Highway Authority in respect of highway safety concerns.
  - d) There site is accessible on foot and by cycle. Pedestrian footways are in place and the site is well served by public transport as outlined above.
  - e) There is no harm identified by officers in respect of Heritage Assets or to the character and appearance of the surrounding area. The development would take place with limited visual impact.
  - f) There is no harm identified in terms of the scale, form and impact on setting. No unacceptable harm to amenity of residents or ecology identified by officers.
8. It is considered that the criteria of policy HOU5 are reasonably met and the development accords with policy HOU5.

#### Business Plan

9. The summary business plan previously provided was prepared in early 2018 at the time when this application was submitted. It included accounts for the past 3 years that were available at the time. Additional accounts have been now provided. Accounts are appended with the supporting statement provided for the years to November 2014-2018 (inclusive).
10. A summary project budget was prepared in early 2018, this has been updated and extended to include a cash flow forecast for the next 50 years. This demonstrates that once the club is mortgage debt, associated interest and capital payment free, it will become self-financing with sufficient funds to commit to a sinking fund to pay for the re-surfacing of the pitch every 12 years for the next 50 years.

#### Replacement football pitches – equivalent or better provision

11. There will be a net increase in the number of pitches provided following the loss of one of the existing pitches at the current site. This will increase the pitch provision by one pitch and 2 acres of recreation space. This helps to

meet the additional need for football pitches highlighted in the Ashford Borough Council Playing Pitch Strategy 2017-2030.

12. The current pitches were constructed by volunteer members in the late 1980s and not built to FA Standards. Drainage was not installed when built or installed subsequently. During wet weather, play is suspended to protect the playing surfaces. The ABC Playing Pitch Strategy states that the pitches are suffering from overuse and associated wear and tear.
13. The proposed new pitches will be built to FA Performance Quality Standard (PQS). Their design and manufacture will be undertaken by a Register of Independent Professional Turfgrass Agronomists (RIPTA). They will be constructed by a professional sports ground construction company, levelled and with appropriate drainage to ensure playing surfaces are most durable and resilient for use throughout the year. They will be of the size required by the FA with appropriate run-off space around the pitches.
14. Sport England's response to the application provides safeguards to ensure that the quality of the pitches can be guaranteed through planning conditions.
15. The pitches would be of a higher standard than the single pitch which is to be lost. The wear and tear on the existing pitches will also be reduced. In the normal circumstances, the new pitches will be at no more risk of being affected by becoming waterlogged than the existing pitch. Whilst in an area at risk of flooding, this does not mean that the area will be regularly flooded, it simply means that the risk of inundation flooding during exceptional weather is greater. In such circumstances, nearby land outside of the higher risk flood area would also likely be similarly waterlogged and the pitches unplayable.
16. Judges Sports Ground Contractors have confirmed that they are of the view as to the suitability of the proposed land. A registered RIPTA Argonomist with over 30 years' experience has written to confirm that the proposed land is very suitable for the construction of good quality pitches.

#### Access from Canterbury Road

17. This option has been considered and the club has ruled this out for the following reasons:
  - The construction of an internal access road from Canterbury Road to the current car park would result in the loss of two further football pitches

- The hockey club only owns part of the land at Ball Lane (see figure 1). And does not benefit from any form of right of way over the land owned by the Cricket Club between Canterbury Road and the current car park
- The current car park is over 300m from Canterbury Road and therefore the cost of building an internal access road would be very substantial.



**Figure 1 - Schematic Aerial View of Ball Lane from support document provided by the applicant**

### Fund Raising/Grant Funding

18. The proposal is not enabling development, i.e. it is not development which would normally be contrary to Planning Policy and only justified on the basis of providing funding towards the securing of the improvements to the club alone.
19. The hockey club is run entirely by volunteers (approximately 25 at present). Their time is spent administering the club, managing teams and fixtures and maintaining the property. They also run coaching 3 days a week to 150 adults and well over 200 juniors. Regular 'Back to Hockey' sessions are run to encourage older plays to return to the sport.
20. A fund-raising committee runs social events including quizzes, boot fairs, discos and lunches. Approximately £15,000 has been raised per annum through these and grants which are also applied for when available.
21. The club facilities are also rented out approximately 350 times a year including to:
  - The Ashford and District Primary School Sports Association for its annual netball tournament and also at other times for hockey sessions.
  - Wye Free School several times a year for sports use.
  - Norton Knatchbull School use it 50 times a year for hockey.
  - Spring Grove School use it 50 times a year for hockey.
  - Ashford School use it 60 times a year for hockey.
  - Charlton Football Academy use it 50 times a year.
  - KJFC book it around 30 times a year for football.
  - Evening Football Groups – Every Monday for 50 weeks a year and Friday for 50 weeks a year
  - In addition the astroturf is used for approximately 10 large events each year for various local and regional sports events and tournaments.

22. The clubhouse bar and function room is rented out approximately 25 times a year with the bar and food business franchised to a third party on commercial terms. Sponsors pay for the pitch side advertising and raises moderate funds.
23. Recent years has resulted in little or no surplus with the money used to support the general running costs of the club (detailed in the income sections of the annual accounts). This has prevented the ability to provide a sinking fund for the future replacement of the astroturf.
24. Ashford Borough Council's Sport and Culture Team have assisted us in looking into further viability of winning grant funding to finance the replacement astroturf pitch. This has so far been unsuccessful in identifying any possible sources of grants which will provide substantial funds in the short term. There is no prospect of fund raising or grant funding which will save the club.

#### Current state of the astroturf pitch

25. A.P. Thompson Service Ltd. reported on the condition of the pitch in May 2017. They indicated that the pitch would last until May 2019 or May 2020. There is no funding available to do this in the summer of 2019 as previously planned. Recent checks have uncovered additional tears in the pitch where the pitch is most heavily worn (see figure 2 and 3). It is hoped these can be repaired to enable the use of the pitch this season. It is almost certain this is the last season the pitch will be safe to use. Bourne Sport Ltd. comments on the current state of the pitch, concluding the pitch is replaced as soon as possible and that the existing seam failure would likely only be able to repaired once more, after which the surface regularity will start to cause safety issues whilst playing hockey.



**Figure 3 - Current pitch condition - tear**



**Figure 2 – Close up of existing tear in pitch**

## **Planning History**

26. Refer to 20 March Planning Committee Report appended as annex 2.

## **Consultations**

27. Refer to 20 March 2019 Planning Committee Report appended as annex 2. 30 additional support letters were received and 1 objection, none of which raised any additional issues to those already included in the report.

## **Planning Policy**

28. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
29. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
30. In referring to the committee report 16 January 2019, in light of the policy changes referenced above, the following are no longer applicable:

### **Ashford Borough Local Plan 2000**

**GP12** – Protecting the countryside and managing change

**EN9** – Setting and Entrances to Towns and Villages

**EN10** – Development on the edge of existing settlements

**EN23** – Sites of archaeological importance

**EN31** – Important habitats

**HG5** – Sites not on the proposals map

**LE12** – Loss of playing fields

### **Local Development Framework Core Strategy 2008**

**CS1** – Guiding Principles

**CS2** – Borough Wide Strategy

**CS9** – Design Quality

**CS11** – Biodiversity and Geological Conservation

**CS15** – Transport

**CS18** – Meeting the communities needs

**CS19** – Development and Flood Risk

**CS20** – Sustainable Drainage

**Tenterden and Rural Sites DPD 2010**

**TRS17** – Landscape Character and Design

**Urban Sites Development Plan Document 2012**

**U0** – Presumption in favour of sustainable development

**U23** – Landscape character and design

## **Assessment**

31. For the avoidance of doubt, in referring to the committee report 16 January 2019, in light of the policy changes referenced above, paragraphs 30 and 38 of the report on that date are no longer relevant to the consideration of the proposed development and should be disregarded, as should any reference to now superseded policies within paragraphs. The relevant considerations were all also assessed against the relevant Local Plan 2030 policies, and reference to 'emerging' when referring to policies in the previously referred to submission version of the Local Plan 2030 can be omitted as these policies are now afforded full weight given their adoption.

### The Club's business plan

32. Committee raised concern at the business plan of the club and whether it was up to date. This is not a material planning consideration. As outlined in the appended report to committee 16 January 2019 and the subsequent report on 20 March 2019, the development of this site has been something which has been subject to discussion for some time. The first application having been submitted in 2016, which was subsequently withdrawn as a result of the failure to provide replacement pitch provision.
33. Whilst at the time of the submission of the application, the proposed development was not compliant with the adopted development plan and

therefore was considered as enabling development. A business plan was submitted with the application but at the time of considering the application in March 2019, the Local Plan had been adopted and therefore a Business Plan was not required to demonstrate the requirement for such development to take place as it would not be contrary to the development plan. Therefore, whether the club had up to date accounts or not was not material to the consideration of the application as it was policy compliant.

34. Detailed accounts have been provided through to 2018, which are the most up to date. They clearly outline that insufficient surplus is achieved annually and this only covers the status quo rather than any significant capital investment for upgrades to facilities, including the astroturf. As previously outlined, the club wish to create a sinking fund to enable it become self-sufficient. This includes the replacement of the astroturf pitch every 12 years for the next 50 years. This links with the fund raising efforts which are detailed in the report which follow in more detail below.
35. Fund raising was suggested as a source of income to help address the shortfall in the monies raised through subs from members, which would not provide the level of funding required to replace the pitch, which is quoted as being in region of around £220,000. Detailed information has been provided, together with advice from the Council's Cultural Services Team regarding the securing of grant funding. Despite best efforts, this has been unsuccessful in identifying any possible funding sources of grants which would provide the substantial funds in the short term.
36. The club is run by volunteers, they have a fund raising committee and as previously reported and as reflected in the accounts provided, approximately £15,000 is raised per annum through quizzes, boot fairs, discos and lunches. The clubhouse bar and catering is run by a third party which generates income as it is run on a commercial basis by a third party. The club also hire the facilities approximately 350 times a year (as outlined in the supporting statement from the applicant). The clubhouse is rented out approximately 25 times a year. Sponsorship is also provided for pitch side advertising. All of which raises moderate funds.
37. In the short term, this prevents a sinking fund being built up to help in the replacement of the astroturf pitch or any other major improvements to the existing facilities on the site. The approach, through this application, which has be fully costed, including contingency, which officers considers is policy

compliant would enable the club to continue to operate from the Ball Lane site and continue to serve the Borough's residents for at least the next 50 years.

Policy HOU5 and its relevance to the application

38. As outlined in the both reports previously put before committee and in the additional information provided by the applicant, that the proposal would be considered against Local Plan policy HOU5. This clearly identifies Ashford as a settlement where residential development close to or adjoining its built up confines is acceptable in principle subject to certain criteria being met. Some members were previously concerned that the development, within the Kennington area, which forms part of the built confines of Ashford, would not apply as Kennington itself, was not explicitly listed as a settlement in its own right under the policy. Ashford under numerous plans and this current plan when it went through its examination in public has been deemed to mean the entire urban area including the likes of Kennington, Willesborough, Singleton etc. hence why these are not separately listed. The Ashford Urban area is set out in the adopted Local Plan in Figure 4 below. Had the Inspector in the examination into the adopted local plan considered that the policy should have included only Ashford Town, he would have found the policy unsound

given the sustainability of the site within close proximity to basic day-to-day services.

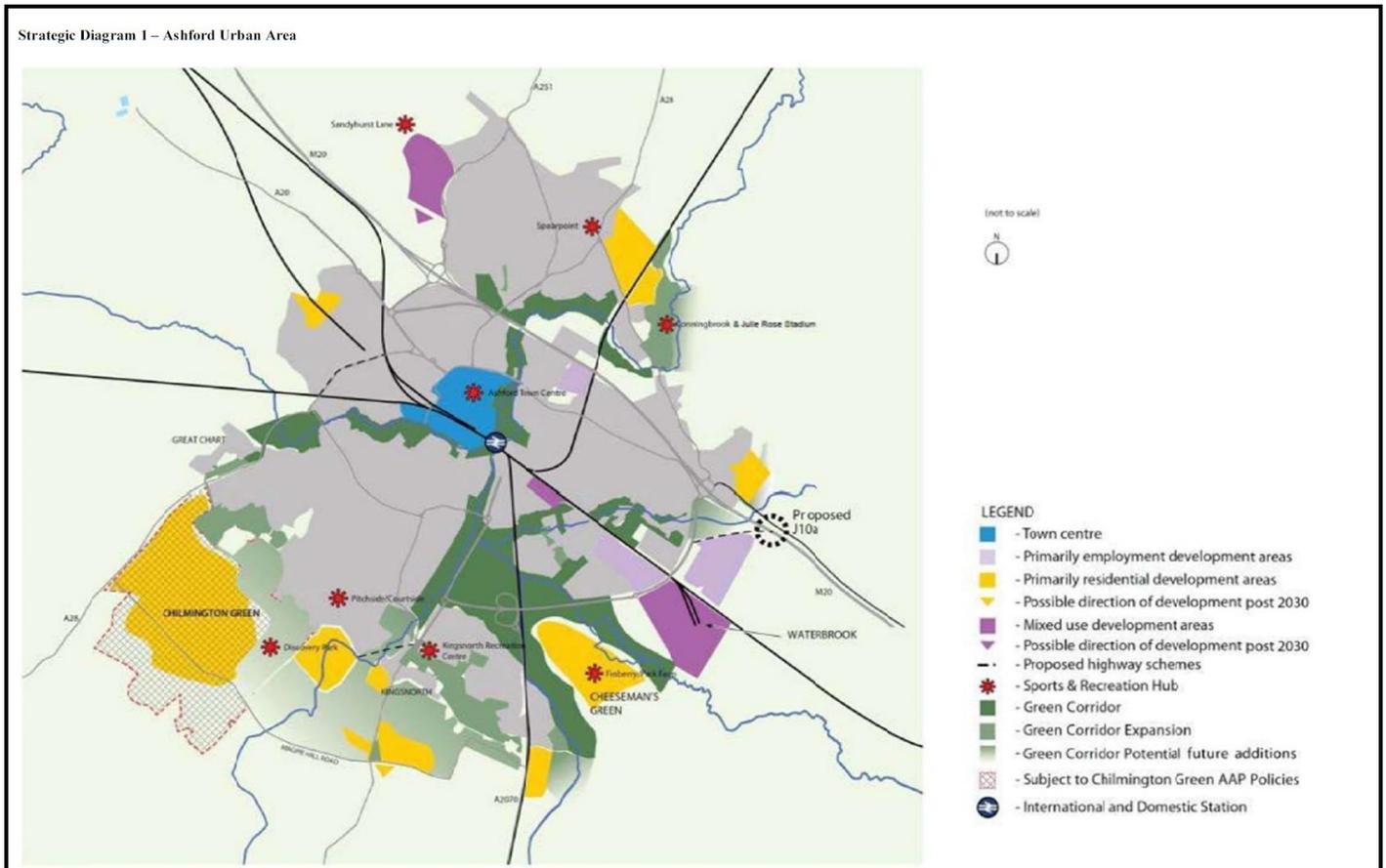


Figure 4 Extract from Local Plan (page 352) - Ashford Urban Area

39. Criterion b) of HOU5 requires the following:

***The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;***

The previous report to committee outlined in detail the proximity of shops, services, the public transport and public footways which serve the wider area and within immediate vicinity of the site respectively. This would enable sustainable methods of transport to be used to access a range of day to day services are required by the policy (as outlined above) within the Kennington area of Ashford. It is not considered on this basis that there would be any conflict with this policy criterion to warrant refusal on this ground.

Replacement pitches – equivalent or better provision

40. The requirement under the NPPF (paragraph 97) and Local Plan policy COM2 is for the protection of existing sports pitches unless these are replaced with equivalent or better provision. The proposal would result in the loss of one pitch and the replacement with two pitches as previously outlined in the report in annex 2. Sport England and the Council's Cultural Services Team consider the proposed pitches would be of sufficient quality and result in compliance with the national and local level policies subject to conditions.
41. Ashford Borough Council Playing Pitch Strategy (2017-2030) identifies a shortfall in pitches. The current pitches are also suffering from wear and tear from over-use which is also identified in the strategy. The existing pitch which will be lost was not built to a high standard when volunteers set out the pitches in the late 1980s. Drainage was not installed on the existing pitches and therefore during heavy rainfall, play would have to be suspended to protect the playing surfaces. These were not built to Football Association standard.
42. The provision of a net increase in the number of pitches would help to meet the shortfall identified. It would also reduce the wear and tear on the existing pitches which are overused. The replacement pitches have been subject to initial consultation and design advice from an experienced registered agronomists who are specialists registered Independent Professional Turfgrass Agronomists (RIPTA). They have written in support of the application, stating that they consider the proposed land is very suitable for the construction of good quality pitches. This is in line with the advice from Sport England and the Council's Cultural Services Team. This would include suitable drainage to ensure that the replacement pitches would be at no greater risk of becoming waterlogged than the existing pitches. Whilst it is noted that pitches are within floodzones 2 and 3, as outlined previously (see report in annex 2), such a use would be classified as a less vulnerable use compatible with areas at risk from flooding. This is confirmed by KCC as the Lead Local Flood Authority and the Council's Drainage Engineer. A 1 in 100 year flood event would not be a regular occurrence and it is unlikely that the existing pitches would not also be waterlogged and therefore would have play suspended on them.
43. Given this, the replacement pitches would be of better provision than the existing pitch being lost. This would be in terms of the net increase in the number of pitches provided but also the quality of the design and playability of the two replacement pitches in line with the required standards which Sport England have requested, which can be secured by condition.

Housing and access to the club could move to Canterbury Road instead of Ball Lane

44. The committee raised, following the first deferral of this application, that there was potential for locating housing on land off of Ball Lane. As outlined in the report to committee on 20 March 2019, this land is not within the ownership of the Hockey Club as it is owned by Ashford Cricket Club. A map showing the ownership of the land was included within this report and an extract of the ownership is included in the supporting information provided by the applicant (figure 1). This clearly shows the location of the existing car park which serves the site, the location of the pitches (both artificial and natural), the club house and both Ball Lane and Canterbury Road, together with the location of the proposed vehicular access off of the later to serve the proposed dwellings.
45. As outlined by the applicant and in the previous reports to Committee (annex 2), there would be no financial benefit to the club to enable them to carry out the vital repair works to enable the club to continue to run at the Ball Lane site if there were houses built on land which abuts Ball Lane. This land is not within their ownership as shown on figure 1.
46. Secondly, the proposed dwellings result in the loss of one of the existing pitches and this is what necessitates the requirement for the new pitches off Ball Lane. As the applicant highlights, this would result in the loss of two further sports pitches, all of which would need to be off set with either equal or better provision elsewhere. Furthermore, the cost of a new access road from Canterbury Road to the clubhouse and car park, which is over 300 metres from Canterbury Road, rather than accessing the site off Ball Lane, would significantly reduce the monies which would be raised through the development of land proposed under this application for 9 dwellings as the cost of this would be considerable. This is therefore not a workable solution and would be counterproductive to the intended ends envisaged.

## **Human Rights Issues**

47. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## Working with the applicant

48. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

49. In light of the above, the proposed housing alone would be considered under policy HOU5 and complies with the relevant criteria as set out in the 20 March 2019 report annexed to this report and the relevant section above. As the housing complies with HOU5.
50. As the housing complies with HOU5, the business plan provided is not needed as this is not a form of enabling development. However, the housing proposed would secure the works required to improve the existing facilities at the Hockey Club and to create a sinking fund to enable the club to become self-sufficient in the longer term.
51. Linked to this, is the possibility of providing access off Canterbury Road rather than Ball Lane. This would result in the loss of further pitches and would be cost prohibitive. The proposed replacement pitches would result in better provision than the existing given the quality of the single pitch being lost. Therefore, the proposed development would comply with policies in the Local Plan and the guidance contained within the NPPF.

## Recommendation

- (A) Grant Outline Planning Permission subject to planning conditions, including those dealing with the subject matters identified below, with delegation to the Head of Planning and Development or the Joint Development Control Managers to settle the wording of planning conditions as she/he sees fit.**

Subject to the following Conditions and Notes:

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application
3. Biodiversity enhancement measures
4. Ecological Management Plan

5. Access and visibility splays
6. Parking spaces
7. Hours of construction
8. Construction and Transport Management Plan
9. Footways and carriageway works
10. Cycle Parking
11. Details of the lockable bollards to prevent vehicular access to the site off Ball Lane
12. SUDs
13. Maintenance manual for the proposed sustainable drainage system
14. Submission of a Verification Report pertaining to the surface water drainage system
15. Protection of trees
16. Protection of hedgerows
17. Walls, fencing and boundary treatments
18. Removal of Permitted Development rights and requirement of prior approval of any means of enclosure or boarding around and adjacent to sports pitches off of Ball Lane
19. Landscape Management Plan
20. Living accommodation in accordance with National Space Standards
21. Control of use of approved dwellings as single dwellinghouses.
22. Refuse storage
23. Electric car charging points
24. Water consumption measures
25. Removal of household Permitted Development rights
26. Broadband Fibre provision
27. Disposal of sewage
28. Measures to protect existing sewage pipes
29. Archaeological Watching Brief
30. The development of the 9 dwellings hereby permitted shall not be commenced until the replacement playing fields have been completed and made available for use and a community use agreement approved and in place.

31. Pitches to be used only for football or hockey and retained and operated in accordance with the community use agreement.
32. Detailed design of proposed replacement sports pitches
33. Evaluation of ground conditions for replacement pitch site and specification of proposed soils, construction, drainage to Football Association standards, maintenance and cultivation to enable it to be used for playing.
34. No external lighting for the new replacement pitches.
35. No public address system for the new replacement pitches
36. Development in accordance with the approved plans.
37. Development to be available for inspection.

## **Notes to Applicant**

### **1. Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance .....

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

1. There is merit in meeting Kent Police to discuss the design and potential CPTED concerns at outline stage, also any formal applications e.g. SBD. We would welcome a meeting with the applicant/agent to discuss site specific Crime Prevention in detail, any notes from the meeting may be passed back to Planning as part of our full response to this planning application. If the applicant/agent fails to contact us, it may affect the development and have a knock on effect for the future services and duties of the Community Safety Unit (CSU) and local policing.
2. The conveyance of surface water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level and included in the submission for reserved matters.
3. No development or new tree planting should be located within 3 metres either side of the external edge of the public foul and surface water sewers and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public foul and surface water sewers.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

No surface water is to be permitted to discharge to the public surface water network without prior approval from Southern Water.

4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web:[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

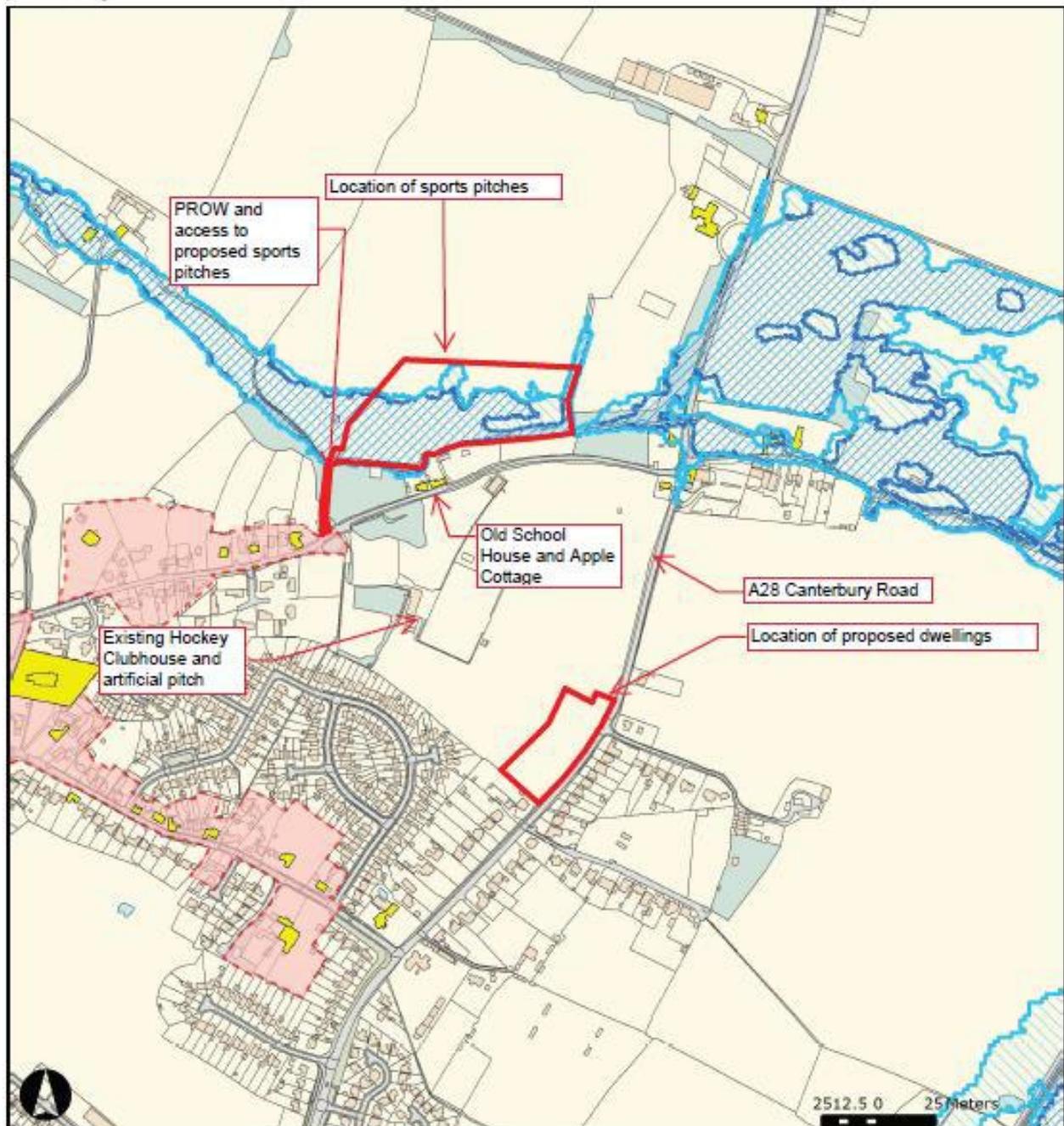
5. In accordance with BS5489 in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01140/AS)

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## Annex 1



**Annex 2**

<b>Application Number</b>	18/01140/AS
<b>Location</b>	Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent
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<b>Site Area</b>	2.98ha

## Introduction

1. The application was previously considered at the 16 January 2019 Planning Committee and was deferred by Members of the committee for officers to seek further clarification on the following matters:-

***Deferred for Officers to explore whether***

***(a) the football pitches are realistic given their flood zone location and ground conditions,***

***(b) whether the 9 homes that are proposed could be better accommodated elsewhere, and***

***(c) whether alternative methods of funding have been fully explored.***

This report back outlines the applicant's response to all 3 issues as well as additional information relating to highway and pedestrian safety together with relevant officer advice.

## Site and Surroundings

2. Please refer to 16 January 2019 Planning Committee Report (which is appended as annex 2 to this report).

## Proposal

3. Please refer to 16 January 2019 Planning Committee Report. The proposal remains as previously submitted but additional justification has been provided to address the resolution made by members of the committee. The supporting information provided by the applicant is as follows:

### Location of pitches within the Floodzone, and Ground Conditions

4. The applicant has confirmed that the sports pitches are located within Floodzones 2 and 3 (see figure 1), however, the use of land for sports pitches is considered under the Government's Planning Practice Guidance (NPPG) to be classified as a 'less vulnerable use' which is compatible with areas at risk from flooding. Sport England have requested details of the design, construction and drainage of the pitches and this can be secured by condition to ensure that they are utilised as far as possible all year in line with the comments from Sport England.
5. The Hockey Club have always suspended play on the current pitches when the ground is soft or waterlogged. This ensures the surfaces are regarded as some of the very best available in Kent and which the football club seeks to use all year and not just in the winter. The fields are carefully managed to avoid damage and allow year round use. At times when the new pitches may become waterlogged, it is very probable that play would have already been suspended to prevent damage.
6. It is not anticipated the pitches would be regularly flooded as Floodzone 3 relates to river flooding rather than just becoming waterlogged. The floodzone designation relates to risk to life and increased risk of flooding elsewhere and it is not considered the proposed pitches would conflict with these risks as no land would be taken out of the floodplain and they would continue to perform that function, and they are compatible with that function as happens in various other locations in the Borough. Should a 1 in 100 year flood event take place, it is likely conditions locally would also preclude the use of the existing pitches on the hockey club site. Waterlogging would occur at times of significant rainfall but the added threat of river flooding would only be at times of severe weather (1 in 100 year event) and would not necessarily make the existing pitches any more usable than those proposed. It is recognised the drainage of the land may take longer but the number of events would be limited. Sport

England require the pitches to be drained in accordance with FA standards. A drainage system to meet that could be provided via condition.

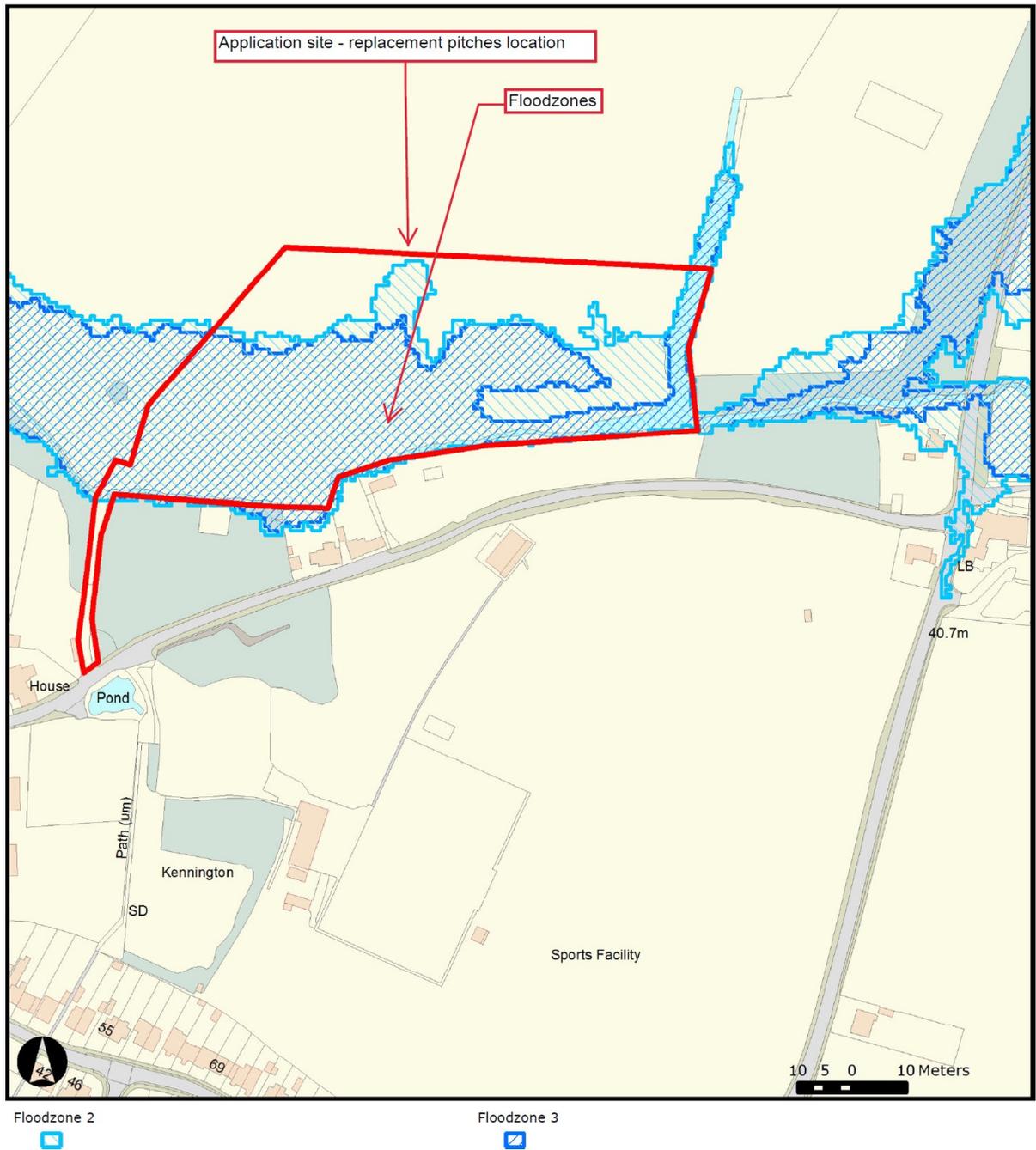


Figure 1 - Replacement pitches and floodzone extent

### Location of dwellings

7. The site of the proposed dwellings, along Canterbury Road is within land owned by the Hockey Club (see figure 1 below with land owned by the Hockey Club outlined in orange). No other land under the control of the Hockey Club fronts onto a highway. The Club do not own land which is directly accessible onto Ball Lane and the Club's land does not benefit from any permanent rights to its land that would provide vehicular access to Ball Lane. Meetings with KCC Highways and Ashford Borough Council Planning Officers agreed that the proposed location was the most suitable location in highway terms.
8. The proposed dwellings would fit with the existing grain of the development within the surrounding area, continuing the frontage onto the Canterbury Road. This also provides a satisfactory future relationship with the sports ground and this approach also minimises the loss of sports pitches, the visual impact and the cost of providing an internal access road(s). Siting houses on the Cricket Club's land to the north would provide no financial benefit to the Hockey Club.
9. A lease has been secured by the Club for the land on which the replacement pitches are proposed for a period of 30 years to offset the loss of the pitches. The pitches would be on the closest possible land to the existing site which is available for such a use. The new pitches are easily accessed from the car park and club house.

### Funding Options

10. The Hockey Club have advised that they reviewed options for renewing the astroturf pitch several years ago. It was assumed, at the time, the pitch would have to be funded by extending or renewing the club's mortgage facility as previous projects to raise funds via grants had failed despite engaging consultants to assist. Increasing running costs and members moving to other clubs with better facilities have resulted in the club's finances deteriorating preventing the club from meeting the interest and capital payments on its current mortgage.
11. Voluntary fundraising including boot fairs, quiz nights, discos, club lunches, raffles and donations have raised £15,000 in recent years. However, the money raised was necessary to support the general running expenses of the club which is around £100,000 per annum.

12. The club continues to seek grants and has received moderate grants of £1,000 and £8,000 from Tesco and Ashford Borough Council in recent years. Whilst valuable and much appreciated, these have gone towards the upkeep of the facilities and fall short of the £220,000 required to replace the astroturf.

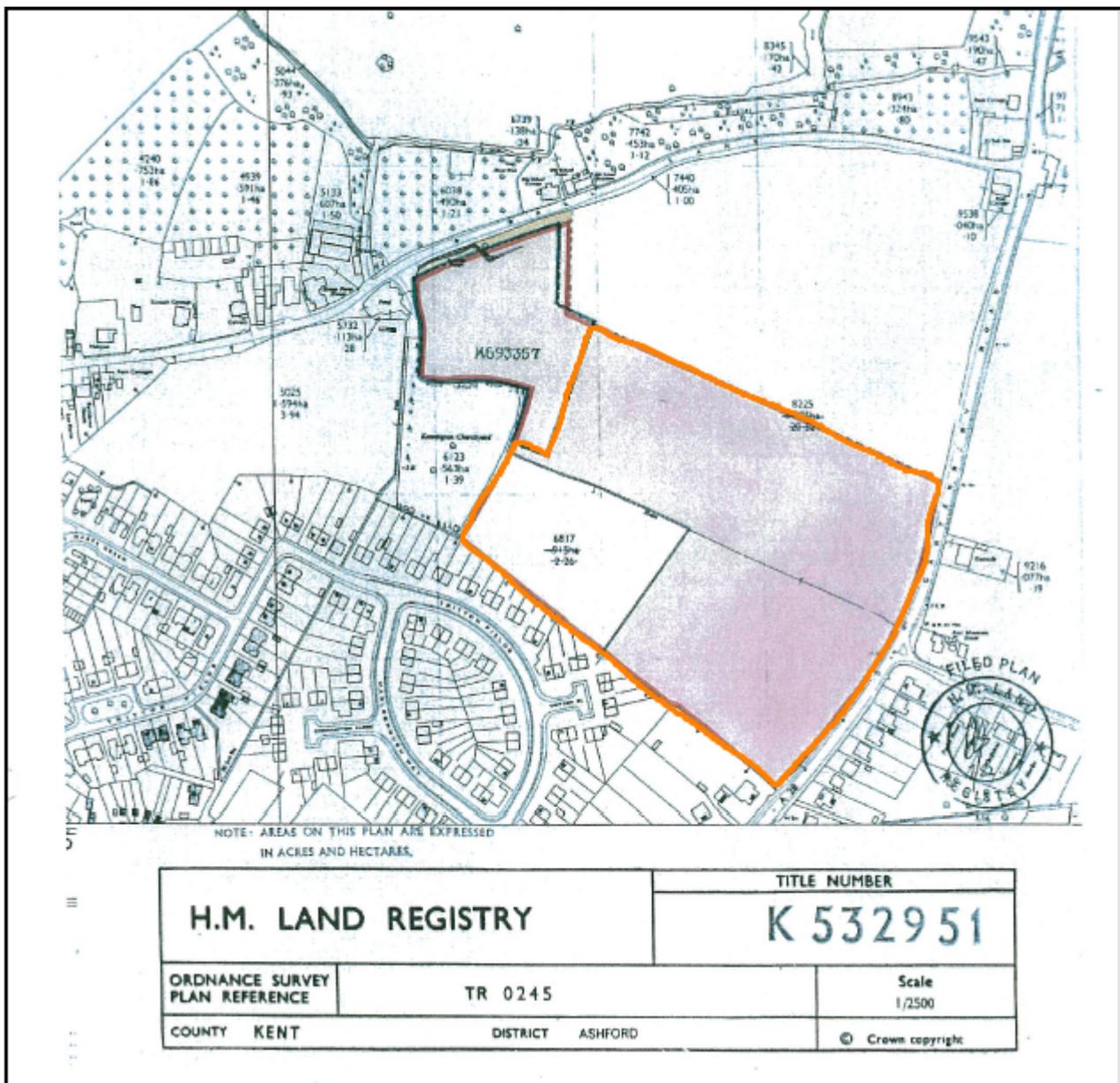


Figure 2 - Land ownership of Hockey Club

13. The membership fees have been increased significantly in recent years. As a result they started to become unaffordable for younger members especially those who had just left education. This has been a significant factor in members leaving to go to Folkestone.

14. In late 2015, the club decided to settle on a more ambitious plan to raise funds from the sale of land to secure the future operations of the Hockey Club, Kennington Juniors and the wider community use of the site for generations to come; it is proposed to:
- Replace the astroturf immediately;
  - Replace the astroturf in 12 to 15 years' time;
  - Allow the existing clubhouse to be repaired and moderately refurbished;
  - Fund the proposed construction of dedicated female changing rooms (subject to a further planning application); and,
  - Eliminate the current mortgage payments making the club self-financing and allowing a sinking fund to be created to fund future refurbishment of the pitch and other facilities.
15. The club can and will apply for funding when available, however the requirements of the club are significant and regrettably far in excess of the extent of funding generally available and whilst welcome, grant-funding only provides limited injections of capital.
16. The criteria for obtaining subsidies from other organisations and charities is generally based on providing matched funding; the club would therefore have to find and use significant amounts of its own money to maximise funding it might be able to obtain were it even possible.
17. S106 funding from development sites in the Borough would only come forward if the scheme were considered a project for which funding would be forthcoming and it complied with S122 of the Community and Infrastructure Levy Regulations. It would need to be demonstrated that the project would be necessary to make the contributing development acceptable as well as directly related to the development. The maintenance and repair of the existing club facilities would not meet these tests. Funding for the repair of the clubs facilities would only be achieved in the manner being proposed by the club.

#### Highway and Pedestrian Safety in Ball Lane

18. The Applicant has submitted further information on this, which was also an issue referred to at the previous Planning Committee meeting.

19. A traffic survey was conducted between 25 February and 3<sup>rd</sup> March on Ball Lane to the east of the existing entrance to the car park for the club. This was carried out to ascertain the number of vehicles and their speeds. On average, the applicant's agent states the average speed of vehicles was 19.5 mph with the highest and lowest speeds recorded for the survey period being 15.7 mph and 23.8 mph respectively. This is below the 30mph speed limit. There was on average less than one vehicle movement per hour (excluding cycles for which there were an average of 3 movements per day) and on average 9.4 vehicles per day between the hours of 09:00am and 10:00pm during the period when the replacement pitches would be in use. The location of the traffic count was to the east of the main site entrance and therefore excludes traffic entering and leaving the site. This takes account of the crossing point proposed for pedestrians which would be to the east of the existing vehicular access. Furthermore, vehicular movements to and from the site car park would be generated prior to and after pedestrian movements from the replacement pitches which occur as users of the pitches leave them and return to the clubhouse to change.
  
20. The supporting statement accompanying the information indicated that a pedestrian route would be provided around the car park, delineated by a barrier to be erected to segregate vehicles from pedestrians. Any provision of an on-street footpath will be in consultation with KCC Highways. Pedestrians will then cross the road to the east of the existing vehicular access to the club car park. It is considered that traffic movements at this point on Ball Lane are very low as Ball Lane is a no through road and serves just two houses. It has been confirmed that Kennington Juniors would use the new pitches for the older age groups, typically 14 years and above. It has also previously been confirmed that the Club have a duty of care for those children in their care and risk assessments and due diligence would be undertaken when crossing the road.

## **Planning History**

21. Refer to 16 January 2019 Planning Committee Report.

## **Consultations**

22. Refer to 16 January 2019 Planning Committee Report. No further representations have been received relating to the application.

## **Planning Policy**

23. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood

Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).

24. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
25. In referring to the committee report 16 January 2019, in light of the policy changes referenced above, the following are no longer applicable:

#### **Ashford Borough Local Plan 2000**

**GP12** – Protecting the countryside and managing change

**EN9** – Setting and Entrances to Towns and Villages

**EN10** – Development on the edge of existing settlements

**EN23** – Sites of archaeological importance

**EN31** – Important habitats

**HG5** – Sites not on the proposals map

**LE12** – Loss of playing fields

#### **Local Development Framework Core Strategy 2008**

**CS1** – Guiding Principles

**CS2** – Borough Wide Strategy

**CS9** – Design Quality

**CS11** – Biodiversity and Geological Conservation

**CS15** – Transport

**CS18** – Meeting the communities needs

**CS19** – Development and Flood Risk

**CS20** – Sustainable Drainage

## **Tenterden and Rural Sites DPD 2010**

**TRS17** – Landscape Character and Design

## **Urban Sites Development Plan Document 2012**

**U0** – Presumption in favour of sustainable development

**U23** – Landscape character and design

## **Assessment**

- 26.** For the avoidance of doubt, in referring to the committee report 16 January 2019, in light of the policy changes referenced above, paragraphs 30 and 38 of the report on that date are no longer relevant to the consideration of the proposed development and should be disregarded, as should any reference to now superseded policies within paragraphs. The relevant considerations were all also assessed against the relevant Local Plan 2030 policies, and reference to ‘emerging’ when referring to policies in the previously referred to submission version of the Local Plan 2030 can be omitted as these policies are now afforded full weight given their adoption.

### Location of pitches within the Floodzone

- 27.** Sport England raise no objection to the proposed pitches. They require any loss of sports facilities to be offset by replacement facilities of equal or better quality. In the absence of any objection from Sports England, the pitches proposed would be considered to be of equal or better quality. Whilst located largely within Floodzones 2 and 3, as outlined by the supporting statement provided by the applicant, the use would be compatible with this designation and would not be contrary to local or national planning policies. The Council's Drainage Engineer and KCC as the Lead Local Flood Authority do not raise any objection to the proposal. It is drawn to the attention of members that the proposed pitches would be subject to a specification requested by Sport England for details relating to drainage, construction and design of the proposed pitches; this can be secured by condition. It is not considered that the proposed pitches, in the absence of any hardstanding, would result in additional surface water run-off or reduce the ability of the land to flood during 1 in 100 year flood events. This would not be a regular occurrence and it is unlikely the pitches would be out of use for any longer than the existing pitches.
- 28.** As the applicant has outlined, the use of the current pitches on the existing site if they become waterlogged during heavy rainfall events is suspended to maintain the quality of the playing surface and for safety reasons. This

approach and the maintenance regime for the new pitches would follow that adopted for the existing pitches to enable them to be of a high playing quality for members and others in the wider community. As a result, there would be no harm caused through increasing flood risk elsewhere or risk to life and the pitches would be the most appropriately sited given their proximity to the existing club and there being no other land available within the locality for this purpose. A lease has been agreed securing the land for the proposed pitches and for the reasons outlined in the appended report under annex 2, there is not considered to be any reason why the pitches in this location would give rise to any material harm and their location here would be realistic.

### Location of dwellings

29. The applicant has confirmed the extent of their ownership of land. This does not include land which fronts onto Ball Lane, only Canterbury Road. Notwithstanding this, any location of dwellings set back further from the road would necessitate additional access roads. As a result there would be visual harm given that such a development would appear incongruous and out of character with the existing urban grain of development which fronts onto Canterbury Road. This would also have a greater impact on the usability of the existing pitches on the current site, potentially resulting in prejudicing of the use of these for which the provision of further replacement pitches elsewhere would be required.
30. As outlined in the previous report to members (appended as annex 2), the proposed dwellings would respect the existing grain of development fronting onto Canterbury Road continuing this in a northerly direction. It is considered by officers that the proposed development of 9 dwellings would comply with the local plan policy HOU5 and is therefore acceptable (subject to the issue of the replacement of the lost pitch) whether or not the development is in order to enable upgrade/replacement works to the clubhouse and astroturf pitch.
31. Any provision of dwellings on land further along Canterbury Road or on land fronting onto Ball Lane would be outside of the control of the Hockey Club and therefore of no financial benefit to them. This would hinder the aim of the Club to improve facilities on the site as outlined in the Club's supporting statement and in the supporting evidence outlined in the previous report (annex 2). Furthermore, any location of the dwellings further north along Canterbury Road would fail to represent continuation of the existing built development along this part of Canterbury Road and yet would still impact upon existing pitches on the site which would need to be offset elsewhere as is proposed.
32. It is therefore considered that this location is the most appropriate within the Club's land, as no other possible alternatives would be policy compliant and therefore the proposed dwellings would be appropriately sited.

### Funding options

33. The Hockey Club currently provide a valuable and well used leisure facility for residents within the Borough which would be lost if the existing club were unable to maintain their existing facilities. The replacement astroturf pitch would cost £220,000 and the annual running costs of the club are £100,000. The fund raising to date to cover the costs involved have been beneficial but fall well short of the funding required.
34. Planning policy requires such facilities to be retained and protected against development and whilst the proposed development would result in the loss of a sports pitch, this would be more than offset by the provision of two new pitches which would be realistic in the location proposed. At present, the funding streams available to the Club would not raise the level of capital required to enable them to continue to provide an astroturf pitch and prevent in a loss of members to other clubs. Furthermore, a failure to replace the astroturf would result in the club being unable to continue to train and have fixtures at the Canterbury Road site. Efforts to raise the level of funding required have raised monies for the general upkeep of the club but have not been able to secure the level of funding required to sustain the club and enable a sinking fund so that the club is self-sufficient without the need to rely on outside funding.
35. The fundraising activities has been limited in terms of success in relation to the costs of the works now required. The ability to obtain grants of the scale required is also dependent upon the matching of funding from the Club. These funds are not currently available and in the short term this is unlikely to change.
36. S106 funding from development sites in the Borough would only be a possible issue if it could be demonstrated that the contributions towards the club would be necessary to make the contributing development acceptable as well as directly related to the need generated by that development. In the absence of funding secured for this purpose of any significance, and given the pooling restrictions imposed under Reg. 123 of the Community Infrastructure Levy Regulations, which limit pooling to 5 contributing developments per project, it is unlikely the funding required could be made up from S106 contributions. In the short term, it is highly unlikely sufficient and appropriate contributing development schemes would come forward which would comply with the Reg 122 of the CIL regulations. The club would be unable to utilise this funding mechanism to the extent required for the works required to keep the facilities operating in both the short and longer term.
37. Members are reminded that whilst the land is being sold to facilitate the improvements to the Club's facilities, the proposed development could not be

refused solely on the grounds that the Club have been unable to justify the requirement for funding as the proposed dwellings would be policy compliant.

### Highway and Pedestrian Safety

38. Officers considered pedestrian and highway safety with respect to the replacement pitches in the original report to Committee (paragraph 57). It was subsequently considered that additional information could be provided by the applicant to seek to address any potential concerns relating to this issue and to support this, a traffic survey to include vehicle movements and their speeds was carried out by the applicant as outlined at paragraphs 18 and 19 of this report for the period of 1 week.
39. The number of vehicle movements at the Ball Lane crossing point proposed for use by Kennington Juniors Football Club is low with an average of less than one vehicle per hour during the hours of 09:00am and 10:00pm, which is when the pitches would be in most likely to be in use. The speed of vehicles, on average is 10mph lower than the 30mph limit on Ball Lane. Furthermore, there are only two dwellings which are located at the end of Ball Lane, which is a no-through road. Given this, the original conclusion reached by Officers is supported by the survey results provided and the conclusion reached in the original report to members is still valid.
40. The Club have confirmed they would use the new pitches for children of 14 years and above. Furthermore, they would also be required to ensure safeguarding processes are followed and the necessary risk assessments in place for children in their care, including marshalling across Ball Lane by Club staff and volunteers. This would ensure, notwithstanding the above, that they cross the road and return to the changing rooms in a safe manner without any harm being caused.
41. The construction of a new crossing point, as proposed in a submission by the applicant's agent, does not form part of this proposal and falls outside of the application site. However, the segregation of people and vehicles through the provision of a barrier within the existing car park is not likely to require the benefit of planning permission. It is not considered that a dedicated crossing point is required but should this be progressed, a formal application for planning permission would be required to be submitted.
42. In light of this, it is considered that the proposed crossing of pedestrians in connection with the proposed replacement sports pitches would not result in harm to their safety or other road users given the lack of vehicle movements, their speed and the safeguards the club would have in place.

## Human Rights Issues

43. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## Working with the applicant

44. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

45. The proposed replacement sports pitches would not give rise to flood risk elsewhere or result in risk to life. The ability to utilise this land for playing pitches would comply with the flood zone designation and there is no other location in close proximity which could accommodate a sports pitch to offset the loss of the existing pitch. Sport England require the loss of existing sports facilities to be equal or better quality, they raise no objection to the proposed pitches. Therefore it is considered by officers that these pitches would be of an equal or better quality and there would be a net benefit to the wider community through the provision of enhancements to the existing facilities, including a net increase of one pitch and in the longer term the financial stability of the club. Their location is therefore realistic.
46. The proposed development would result in 9 dwellings located in the only location possible for the Hockey Club to generate income from the sale of land and gain access without significant visual harm being caused. The proposed dwellings would comply with Local Plan policy HOU5 and would comply with the guidance contained within the NPPF and they are therefore appropriately located.
47. There is no evidence to demonstrate that any realistic funding streams have not been explored, given the level of investment required to replace the existing astroturf and enhance the existing clubhouse and changing facilities.

48. The pedestrian safety of players accessing the replacement sports pitches and highway safety of other road users would not be harmed as a result of the proposed replacement sports pitches.
49. In light of this, it is considered by officers that the Club have satisfactorily addressed the matters outlined in resolution of the Planning Committee of 16 January 2019.

No other new material considerations or information has arisen. In the circumstances, my previous conclusion at paras. 69-73 of my previous report at Annex 2 (now ignoring the non-compliance with old policy HG5 as this has been replaced) remains appropriate. Therefore the application should be permitted.

## **Recommendation**

**Grant Outline Planning Permission subject to planning conditions, including those dealing with the subject matters identified below, with delegation to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to settle the wording of planning conditions as she/he sees fit with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 1<sup>st</sup> October 2018**

**Subject to the following Conditions and Notes:**

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application
3. Biodiversity enhancement measures
4. Ecological Management Plan
5. Access and visibility splays
6. Parking spaces
7. Hours of construction
8. Construction and Transport Management Plan
9. Footways and carriageway works
10. Cycle Parking
11. Details of the lockable bollards to prevent vehicular access to the site off Ball Lane
12. SUDs

13. Maintenance manual for the proposed sustainable drainage system
14. Submission of a Verification Report pertaining to the surface water drainage system
15. Protection of trees
16. Protection of hedgerows
17. Walls, fencing and boundary treatments
18. Removal of Permitted Development rights and requirement of prior approval of any means of enclosure or boarding around and adjacent to sports pitches off of Ball Lane
19. Landscape Management Plan
20. Living accommodation in accordance with National Space Standards
21. Control of use of approved dwellings as single dwellinghouses.
22. Refuse storage
23. Electric car charging points
24. Water consumption measures
25. Removal of household Permitted Development rights
26. Broadband Fibre provision
27. Disposal of sewage
28. Measures to protect existing sewage pipes
29. Archaeological Watching Brief
30. The development of the 9 dwellings hereby permitted shall not be commenced until the replacement playing fields have been completed and made available for use and a community use agreement approved and in place.
31. Pitches to be used only for football or hockey and retained and operated in accordance with the community use agreement.
32. Detailed design of proposed replacement sports pitches
33. Evaluation of ground conditions for replacement pitch site and specification of proposed soils, construction, drainage to Football Association standards, maintenance and cultivation to enable it to be used for playing.
34. No external lighting for the new replacement pitches.
35. No public address system for the new replacement pitches
36. Development in accordance with the approved plans.
37. Development to be available for inspection.

## Notes to Applicant

### 1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance .....

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

1. There is merit in meeting Kent Police to discuss the design and potential CPTED concerns at outline stage, also any formal applications e.g. SBD. We would welcome a meeting with the applicant/agent to discuss site specific Crime Prevention in detail, any notes from the meeting may be passed back to Planning as part of our full response to this planning application. If the applicant/agent fails to contact us, it may affect the development and have a knock on effect for the future services and duties of the Community Safety Unit (CSU) and local policing.
2. The conveyance of surface water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level and included in the submission for reserved matters.
3. No development or new tree planting should be located within 3 metres either side of the external edge of the public foul and surface water sewers and all existing infrastructure should be protected during the course of construction

works. No new soakaways should be located within 5 metres of a public foul and surface water sewers.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

No surface water is to be permitted to discharge to the public surface water network without prior approval from Southern Water.

4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web:[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are

actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

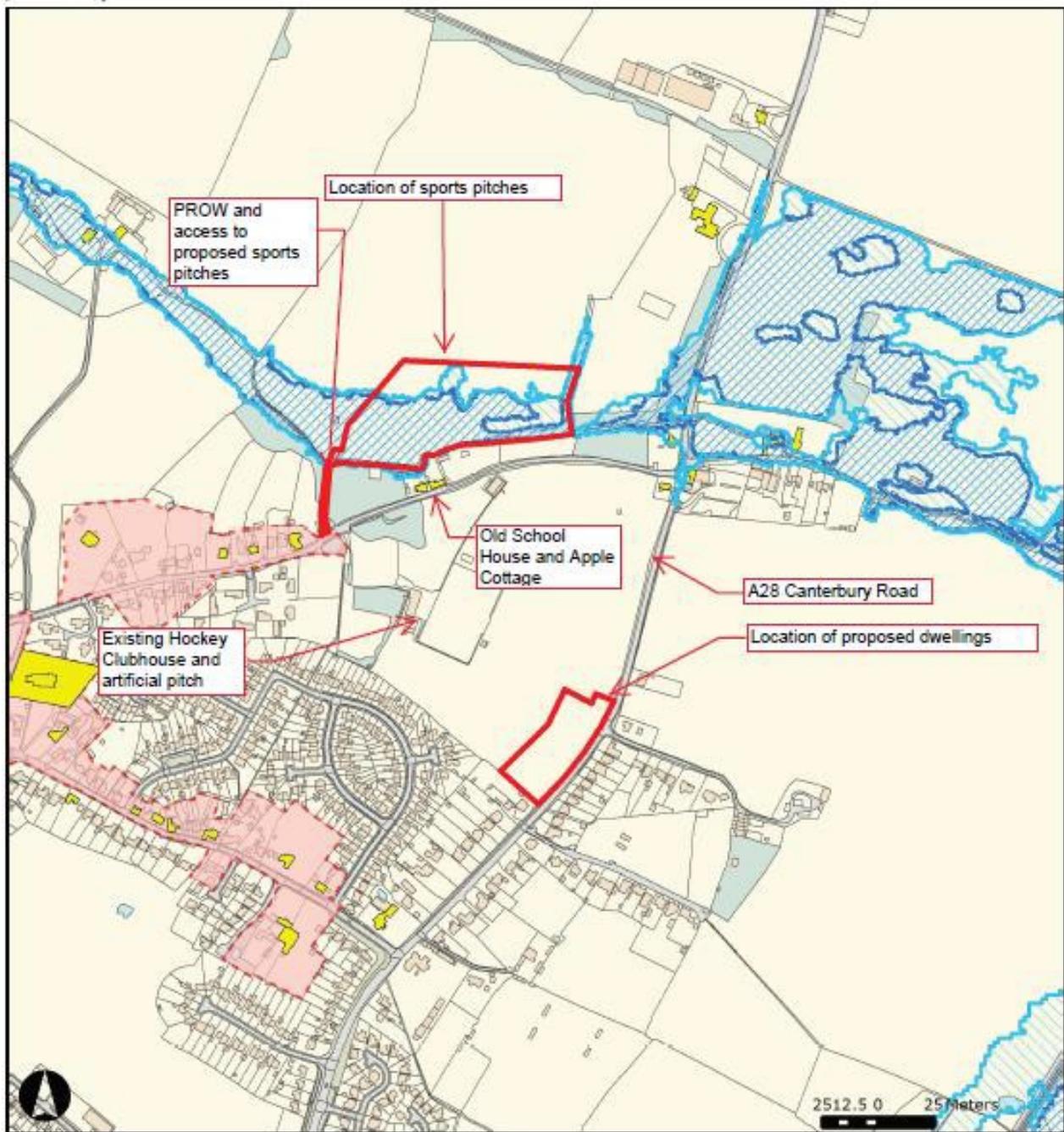
5. In accordance with BS5489 in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01140/AS)

**Contact Officer:** Rob Bewick  
**Email:** [rob.bewick@ashford.gov.uk](mailto:rob.bewick@ashford.gov.uk)  
**Telephone:** (01233) 330683

Annex 1



Annex 2

<b>Application Number</b>	18/01140/AS
<b>Location</b>	Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent
<b>Grid Reference</b>	02823/455078
<b>Parish Council</b>	-
<b>Ward</b>	Kennington
<b>Application Description</b>	Outline application for the erection of 9 dwellings with access from Canterbury Road (with all other matters reserved), and change of use of land from agriculture to provide two football pitches on land at Ball Lane.
<b>Applicant</b>	Ashford Hockey Club
<b>Agent</b>	Mr S Davies, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB
<b>Site Area</b>	2.98ha

(a) 372/193S, 53/R, 1+	(b) -	(c) SE/X, KAS/X, KHS/X, KCC LLFA/X, BTOD/X, KCCE/X, EA/X, EHM/X, KCCPROW/X, Kent Police/X, CPRE/R
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## Introduction

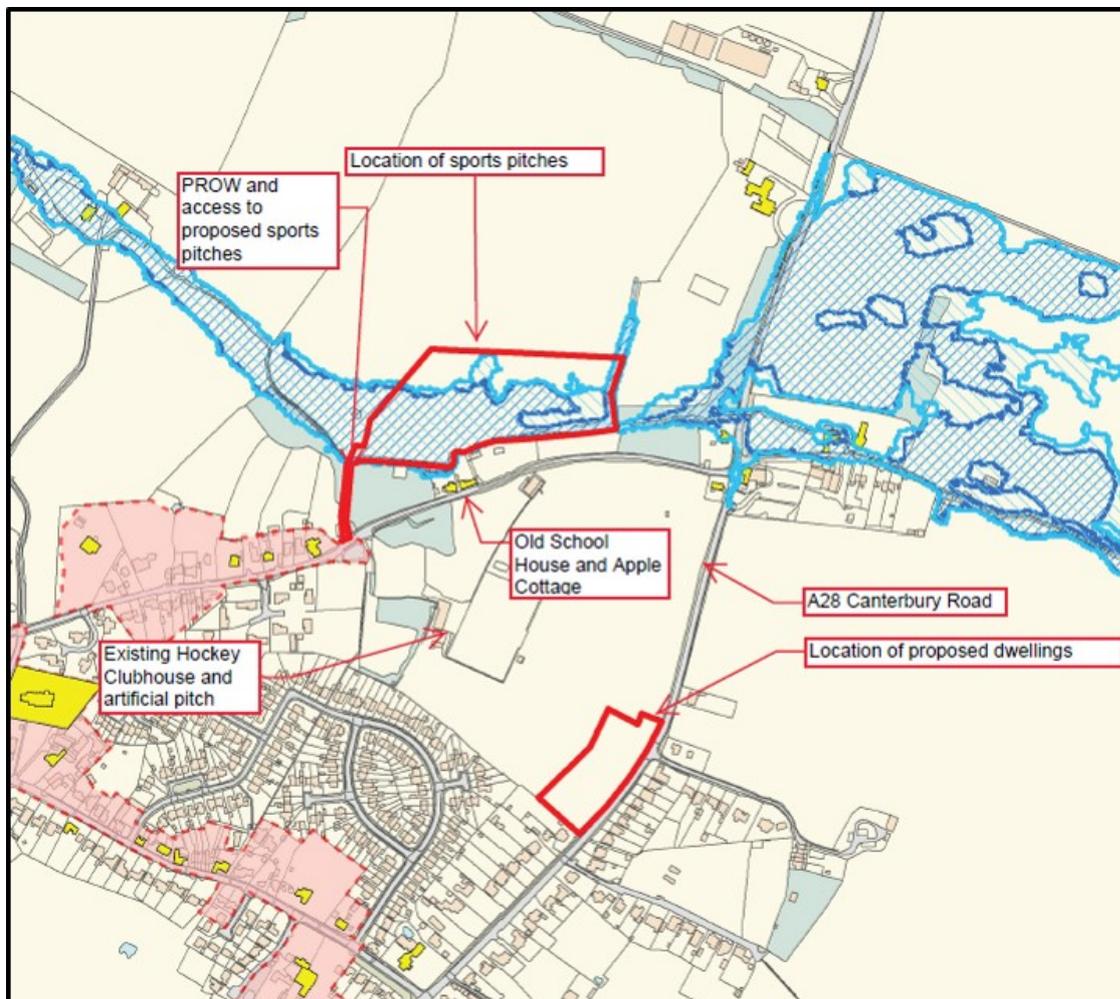
1. This application is reported to the Planning Committee because it is considered to be in the public interest given its contentious nature and the level of public interest in the scheme.

## Site and Surroundings

2. The application site relates to two areas of land, one is currently utilised for football pitches at Ashford Hockey Club, accessed off of Ball Lane. This land fronts onto A28 Canterbury Road to the west of the East Mountain Lane. The land is currently undeveloped and designated as playing fields. To the north of this, is the main club house for the Hockey Club, artificial hockey pitch, which

is floodlit, and a loose chipping unmarked out car park. To the north west of this is the former home of Ashford Cricket Club. This is all part of the wider Hockey and Cricket Clubs' site but does not relate to the development proposed at the site.

3. The second part of the application site is land to the north of the existing Hockey Club site, also accessed off of Ball Lane along a public right of way (PROW AU12) which is a concrete track and latterly, unmade public footpath which leads to agricultural land to the rear of Ball Lane on its northern side. The land is grade 1 agricultural land and currently uncultivated but used for grazing and pasture.
4. The site is not within the Ball Lane Conservation Area but is in close proximity to it at the point of access to the footpath outlined above. There are a number of residential dwellings which back onto the site outlined above, two of which are grade II listed buildings, the Old School House and Apple Tree Cottage.
5. The part of the site where the replacement pitches are proposed is within an area of archaeological potential and Floodzones 2 and 3. This does not impact upon the part of the site where the 9 dwellings are proposed.



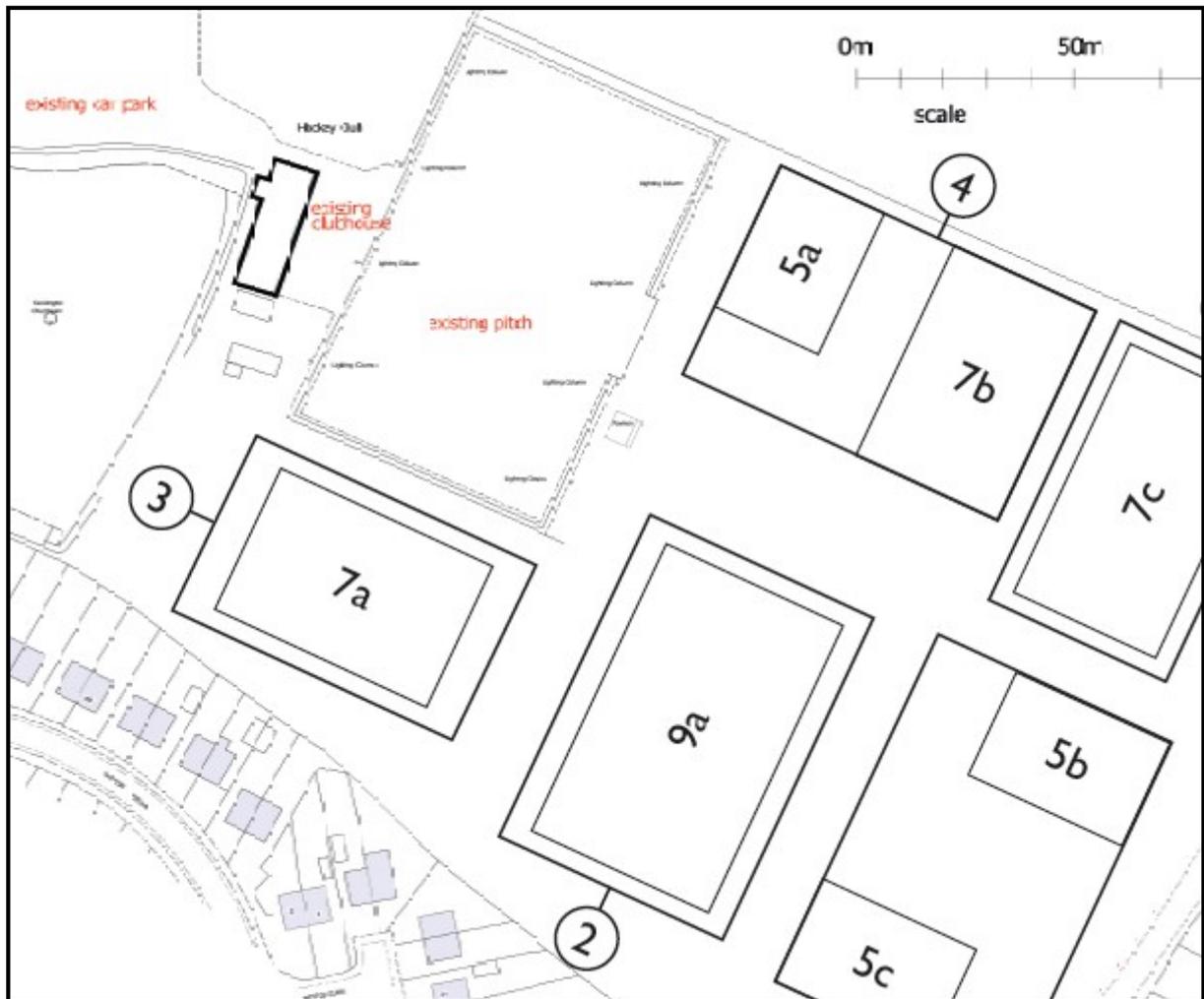


Figure 1 - Existing wider Hockey Club Site Layout with pitches marked

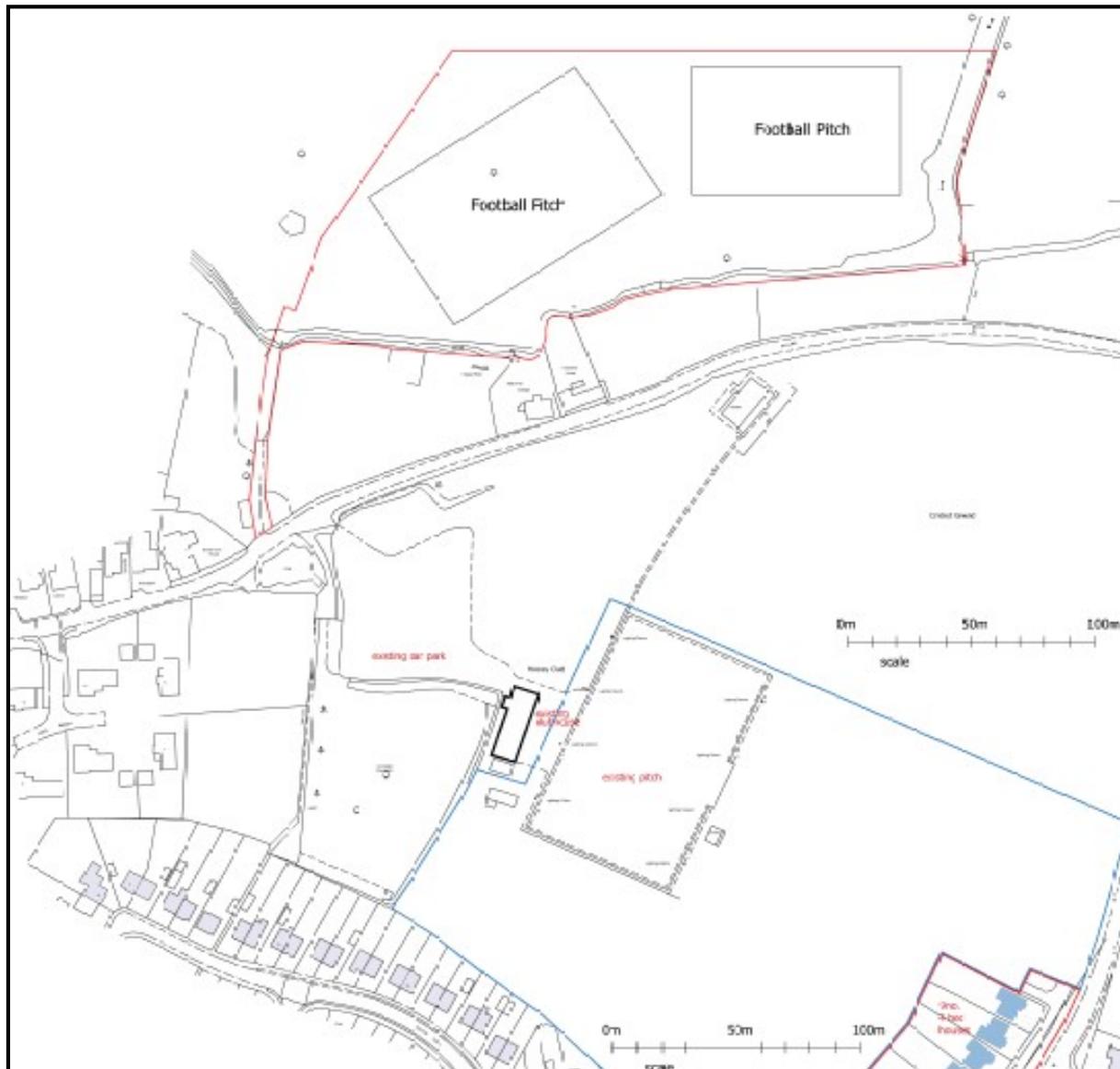
## Proposal

6. Outline planning permission is sought for the erection of 9 detached dwellings with associated vehicular access off of the A28. All matters other than access details from Canterbury Road into the site, including appearance, landscaping, layout and scale, and internal access are reserved for future consideration.
7. As a result of the proposal, one of the existing sports pitches at the Hockey Club, which is also utilised by Kennington Juniors Football Club would be lost. The previous application on this site, which was subsequently withdrawn failed to address the loss of the sports pitch and therefore this application seeks to address this concern.

8. The sports pitches would be located on land to the north of the existing Hockey Club site which is currently agricultural. There is no means of enclosure proposed or significant re-grading of the land envisaged as the land is relatively level. No floodlighting or ancillary facilities (i.e. changing rooms) would be provided on this part of the enlarged hockey club site. The figures below show details of the proposed development.



Figure 2 Site Layout Plan (Indicative) for dwellings fronting Canterbury Road



**Figure 3 - Wider Site Layout Plan including location of proposed replacement sports pitches to north of existing pitches accessed off of Ball Lane**

In support of the application several documents were submitted including a planning statement and a business plan.

9. The planning statement and business plan outline that the clubs current facilities are deteriorating and the club currently survives on membership fees and therefore costs associated with the upkeep of the grounds, all weather astroturf pitch and clubhouse must be borne by these fees. Currently the pitch will be unsafe and unplayable within 1-2 years. The monies raised from the proposed 9 dwellings would enable the astroturf pitch to be re-surfaced and a further re-surface in 10 years, the mortgage on the site to be cleared to enable membership subscriptions going forward to be utilised for the

maintenance of the site, the provision of the two new pitches proposed under this application and an extension to the clubhouse in the future to provide female changing facilities and replacement of leaking and rotting windows. As a result of the proposal, the use of the site for hockey and junior football will be protected for 20 to 25 years.

10. Historically hockey on the site was played on grass pitches but the sport now plays exclusively on artificial surfaced pitches, requiring less land for playing pitches. Currently the club has 150 adults and 200 junior playing hockey and up to 450 juniors every week. The Kennington Juniors and several schools use the facilities each week and it has been confirmed as part of the Ashford Borough Council Playing Pitch Strategy that the pitch quality is currently in a poor state and is a priority 1 issue and recommends a playing surface sinking fund is established going forward for its replacement.
11. The club owns the hockey pitch and clubhouse which sit within an 11 acre site. Capital assets exist but there is insufficient monies available to meet the £220,000 cost of the new astroturf pitch surface when taking into account the interest costs on the outstanding mortgage balance for the current pitch. The cost of the replacement playing surface would be in the region of £220k, additional associated costs could easily double this cost depending on what is required.
12. As a result of the depreciation of the quality of the playing pitch, together with improvements to facilities elsewhere members have left the club and gone elsewhere to play resulting in a complete men's team in the 2014-15 season. The new pitch would secure the future of the club and the new changing facilities for women would need to be met to ensure England Hockey's Equality Standards are adhered to. The land to the north of Ball Lane has been secured on 30 years tenancy to provide the two replacement sports pitches.

## Planning History

DC	OA	16/01845/AS	Outline application for the erection of 9 dwellings to consider new access from Canterbury Road, with all other matters reserved	WITH	31/07/2018
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The above application sought a similar proposal for dwellings, but as outlined in the proposal section failed to off-set the loss of the existing sports pitch to facilitate the development.

### Related history

DC	FA	15/01183/AS	Installation of no.4 5m columns with 5 LED floodlights attached	PERM	25/11/2015
DC	FA	89/00681/AS	Construction of one all weather hockey pitch with ancillary fencing and lighting	PERM	02/08/1989

## Consultations

**Ward Members:** no comments received

### **Sport England: no objection raised subject to conditions:**

- The development would meet exception 4 of Sport England's Playing Fields Policy, as it is proposed to re-provide the lost playing field
- Consultation was carried out with both the Football Foundation (FF) on behalf of the FA, and England Hockey (EH).
- The site is used extensively by Kennington Juniors Football Club with 450 players. The site is the club's 'home' and currently the number of pitches do not meet the clubs need.
- The Hockey Club has seen a doubling in its membership.
- A community use agreement needs to be agreed with Sport England and Kent County FA in line with the intended usage levels of the facility by the Football Club.
- The Playing Pitch Strategy for Ashford (2018) identifies the need to protect this site for football and that they are overplayed and there is a need to enhance pitch provision in the area to accommodate the demand.
- WC provision would not be possible but would be of benefit.
- Several key conditions need to be met including design of the pitches, construction, quality, maintenance, drainage
- EH has no objections to the proposed housing development, the existing Hockey AGP and Clubhouse needs an injection of finance to improve both facilities.
  - EH advise a condition is used to improve the facilities on the site from the monies raised.

**KCC Highways:** no objection subject to conditions with the following observations made:

- As the application is outline with all matters reserved except for access, layout has not yet been considered.
- The car parking associated with the two new pitches will be from the existing car park, players will then have to walk across to the pitches. A form of control will need to be provided to prevent vehicular access to the pitches apart from

maintenance vehicles. Several lockable bollards should be secured by condition.

- The proposed T-Junction access is suitable for the proposed 9 units.

**KCC PROW:** do not wish to comment on the application.

**KCC Ecology:** general comment received requesting additional information to be submitted prior to determination, specifically the Ball Lane part of the site.

- Canterbury Road site has not changed significantly since the last ecological appraisal, this is still relevant, no further information is required for this site.
- Ball Lane site has not had any ecological information submitted for it and aerial photographs and biological records requires further information to be submitted to assess the potential ecological impacts. These must be submitted prior to determination.

**Following receipt of additional information:** raise no objection in light of the additional information received subject to a condition requiring the measures outlined in the Biodiversity Enhancement Strategy to be incorporated into an Ecological Management Plan.

**KCC Heritage: consulted;** raise no objection subject to a condition with the following observations made:

*The site of the application lies in an area of archaeological potential associated especially with Palaeolithic remains and Roman activity. The site of the proposed football pitches lies on River Terrace Gravels and within an area where the deposits have potential to contain Palaeolithic artefacts and palaeoenvironmental remains.*

*The site of the football pitches is also crossed by the projected alignment of a Roman road which extends from the Weald, through Westhawk Farm Roman small town and up to Canterbury. This is just an alignment however, and there seem to be no clear indications of where this Roman road actually ran and in what condition it is currently. It may extend northwards along the alignment of Canterbury Road, closer to the proposed houses.*

*The site is within close proximity to some designated historic buildings, most of which are later post medieval residential but there are indications that Kennington was a medieval community and St Mary's Church is of 13th century date although it may have earlier origins.*

*Based on current information the proposed scheme has potential to impact on Palaeolithic Roman and later archaeology. As such it would be appropriate for some assessment of archaeological issues.*

*I note the application is supported by a Heritage Statement. This report considers the designated buildings and seems to focus on the impact on the setting of these buildings and the Conservation Area. There is no assessment of the archaeological potential although the AAP is mentioned. It would be preferable for this application to be supported by a full Archaeological Desk-based Assessment which should include a geoarchaeological assessment. The football pitches could impact on a Roman road and on rare Palaeolithic remains. I note that the groundworks are considered shallow but the archaeology could be at surface level. The supporting Heritage Statement and the Design and Access Statement suggest the site has been ploughed but plough marks are only identifiable on a 2012 aerial photograph and before that the aerial photographs suggest the fields were predominantly pastureland. If a Roman road does survive on site, it may be in good condition including camber and parallel ditches, with associated cultural material.*

*In view of the potential for this scheme to impact on early prehistoric and Roman remains, there is a need for further consideration of archaeology. It may be that archaeology can be addressed through conditions on a detailed planning consent but this should be informed by an Archaeological DBA, including geoarchaeological assessment, and an Archaeological impact assessment.*

**KCC Lead Local Flood Authority (LLFA):** request a drainage strategy for the site prior to determination.

**Following receipt of additional information:** raise no objection subject to condition as the drainage strategy provided demonstrates that the site would have a proposed run-off rate of 2l/s which complies with the requirement for small sites in our drainage and planning policy statement (June 2017).

**ABC Drainage:** understood further information is requested by KCC as LLFA, further comments will be provided on receipt of this information.

**Following receipt of additional information:** no objection raised but should the LPA be minded to permit, I recommend that conditions requested by KCC as LLFA are imposed.

**Environmental Services:** raise no objection with the following observations made:

3G and astroturf multi-use games pitches are often subject to assessment in respect of noise due to their specific use in respect of their:

- Proximity to housing –commonly occurring in urban and densely populated locations
- Reflection/propagation of sound on hard surfacing
- Ball strikes on boarding/fencing
- Shouts/whistles
- PA systems
- Multiuse issues i.e. hockey or other potentially noisy clubs/activities etc.

- Intensity of use – commonly used at a much higher intensity level than grassed pitches, for a much longer period especially when flood-lit and in use throughout the day and into the late evening (i.e. 2200hrs)

With reference to the submitted plans for two traditional grass pitches, the pitches stand at closest approx. 50m from the nearest dwellings, there is little in the way of hard surfacing, there is no planned boarding/fencing to create ball-strikes, there is no PA system, there are no significant multi-use issues, and given the lack of floodlighting and limited multi-use opportunities gives little concern with reference to the intensity of use. The only noise source liable to be of interest is that of shouts and whistles associated with the sporting activity. Both of these noise sources are particularly difficult to assess due to the variability in terms of volume, intensity of noise incidents, intensity of use of the pitches, and location on the pitches. Accordingly it is my opinion that an acoustic assessment is not liable to provide a robust or reliable assessment.

**Environment Agency:** raise no objection with the following observations made:

- Dwellings outside of floodzone 1
- A surface water flood risk would be required at reserved matters stage
- The conveyance of water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level.
- KCC LLFA should be consulted for their comments on surface water management.
- No concerns about the design or location of the proposed sports pitches but we would wish to be consulted at Reserved Matters stage on the precise layout and construction requirements.
- We would object to any loss of floodplain conveyance or storage capacity that may be caused by land-raising or bunding [**HDM&SS comment:** there is no proposal at this stage and any subsequent application in respect of the landscaping of the site and drainage strategy can be considered at this stage in consultation with the EA and KCC as the LLFA]

**Southern Water Services: consulted;** raise no objection subject to an informative

**Kent Police: consulted;** need to consider the layout, security of the dwellings, boundary treatments, access to pitches, placement of parking to ensure adequate surveillance opportunities and management of visitor spaces. [**HDM&SS comment:** the application is currently only at outline stage with all matters reserved other than access and therefore this would follow at reserved matters stage where it is considered it could be addressed.]

**CPRE:** object to the application on the following grounds:

- the loss of high grade agricultural land from agricultural production
- no facilities provided for new pitches
- site in floodzone 3.
- Other existing pitches at cricket club

- Future development [**HDM&SS comment:** this would require planning permission and consideration of the impact would be assessed under any such application, this is not currently being considered].
- Highway safety
- Planning obligations should be sought to upgrade the existing facilities from other development sites

**Neighbours: 372 neighbours consulted:**

**192 support comments;** with the following points raised:

- Support the proposal as it is beneficial for Ashford
- The scheme will provide much needed funding that will secure the future of the club
- The club is important to the community and the development will help retain it
- The scheme brings forward much needed housing in a good location
- The scheme will ensure the societal wellbeing of the community
- The additional pitch at the club will help attract new members
- The facilities at the club will be improved, helping to keep valuable players at the club
- Retaining and improving sports facilities like this in Ashford are vital to keep children and adults fit and healthy
- Provide first class sport to the local area and allow the club to move forward and progress
- Optimises existing site
- There is no clear planning policy conflict against the development and therefore there seems no reason that would prevent this development from being approved
- A new access would mean less inconvenience for local residents at Ball Lane
- The developments would take up some of the sports field but would still leave ample room for those sports to still take place
- The club would not be able to function without this development and could close or relocate out of the area
- Limited impact on existing dwellings

**53 objection comments;** with the following points raised:

- There have been no local consultees at Ball Lane or Orchard Lane [**HDM&SS comment:** consultations have been carried out by letter to over 300 local residents, planning notices were posted on Canterbury Road and on Ball Lane opposite the two parts of the site and a notice published in the local press as part of the planning application process]
- Speed of traffic and highway safety concerns including for pedestrians
- Impact of the closure of the A28 if permitted [**HDM&SS comment:** this would be a matter for the highways authority during construction work if approved and deliveries and site personnel parking could be secured by condition]
- Width of Ball Lane
- Loss of privacy as a result of the new dwellings proposed [**HDM&SS comment:** this is an outline application and would be considered as reserved matters stage should the application be permitted]
- Loss of privacy to the Old Schoolhouse and Apple Tree Cottage utilising the footpath along the fence line
- Impact on setting of the listed buildings (Old Schoolhouse and Apple Tree Cottage)
- Impact of future expansion of the site on the ability of vehicles to use the A28 [**HDM&SS comment:** this would be subject to consideration at a later date should an application be submitted, this is not currently something the Council are being asked to consider]
- Additional access for further development when they need additional funding in the future could a S106 agreement be imposed to prevent this from happening [**HDM&SS comment:** each application would have to be assessed on its own merits and any future development would need to be assessed in the future if an application is submitted]
- The houses at Tritton's Field would be affected by the new access road
- The entrance to the proposal is on a dangerous bend in the road – visibility onto the road will be poor
- The bus stop will require relocating [**HDM&SS comment:** this is a matter for the Highway Authority to consider with the applicant]
- The cricket club are also proposing housing [**HDM&SS comment:** this is not something being considered under this application and no planning

application for any such development has been approved or submitted for consideration]

- Impact on wildlife and the validity of ecological surveys given their age  
[**HDM&SS comment:** the ecological information submitted and the update to it satisfies KCC Ecology]
- Impact on bats
- Quinn Estates proposed sports pitches nearby but it is understood that the club have confirmed they do not intend to have discussions to relocate  
[**HDM&SS comment:** this is not a material planning consideration]
- Pollution
- The pitches are within Floodzones 2 and 3
- Strain on public services which cannot cope [**HDM&SS comment:** the proposal does not generate the need for financial contributions in line with the Planning Practice Guidance thresholds]
- Loss of views [**HDM&SS comment:** loss of a view is not a material planning consideration]
- Longstanding bottleneck so the road is not suitable for this development or the one opposite unless KCC widen the road
- Many support comments come from those who do not live near the site  
[**HDM&SS comment:** any person is able to make a representation on the application, it is acknowledged that many of the support comments come from those who are/have been members at the club]
- No proof of other avenues of funding being exhausted have been proven  
[**HDM&SS comment:** this is not a material planning consideration in this case]
- Individual costings and certification of the destination of funds raised needs to be provided [**HDM&SS comment:** this is not a requirement of the planning policies nationally or locally which needs to be provided]
- Previously the club stated it had outgrown its site but now it states it needs to build on part of it
- There have been no copying across of the original comments on the initial application to this one and no community consultation [**HDM&SS comment:** fresh consultation on each application is required to be carried out as set out in the legislation, the LPA cannot assume the same comments apply on this

revised application, the onus is on persons wishing to comment to submit these for consideration]

- The size of the dwellings would not address the shortage of affordable housing [**HDM&SS comment:** the proposal does not meet the threshold for affordable housing provision]
- The football club could utilise pitches at local schools [**HDM&SS comment:** this is not something which we have been asked to consider by Sport England or the FA as an alternative to offset the loss of the existing pitch]
- Impact of Brexit on farming and need for land
- Loss of and deterrent to those utilising the public footpath [**HDM&SS comment:** the public right of way would be unaffected by the proposal]
- Injuries from the waterlogging and muddy pitches [**HDM&SS comment:** this is not a ground for refusal]
- Potential for fatalities
- The new pitches are of a lesser quality than those which currently exist [**HDM&SS comment:** the proposed pitches would need to comply with the FA requirements in terms of specification]
- The NPPF clearly states that enabling development is only intended to be used for conserving and enhancing the historic environment.
- This is development outside of the built confines
- It is unclear how the pitches would be retained solely for the use of the Football Club as they are adjacent to the public right of way [**HDM&SS comment:** whilst the pitches are adjacent to the PROW, this would not prevent them from being used by the Football Club]
- There will be pressure in the future for changing facilities, floodlighting etc. **HDM&SS comment:** this is not currently something the Council are being asked to consider, this report seeks to make a recommendation on the merits of the application before us]
- The extra pitch will bring with it more people and more traffic
- The proposed two new pitches are on an area of farmland and are only being added in an attempt to appease bodies like Sports England.
- The development would not address the fundamental cash flow issues that the club is suffering from in the long term. How long before the money runs out and we move to the next piece of land.

- The club do not own the existing car park or access and that is why they are seeking alternative access so they do own it. People should be able to assess the proposed future access as those with houses backing onto the field would be interested to know where this will be [**HDM&SS comment:** this does not form part of the application under consideration]
- The proposal suggests there will be a total of 604 movements through the new access per day, going above and beyond what is proposed.
- The entrance to the development on a busy road would be dangerous with the new houses and with this being the main access to the club.
- Have major concerns as to the safety of pulling on and off of the development onto the Canterbury Road as it is a very fast road
- There is a blind bend near where the access is proposed which poses a danger
- This is only a temporary fix on sustaining the hockey club, with the rest of the club likely to be developed at some point [**HDM&SS comment:** this is not something which is currently under consideration]
- A28 is already a busy road, if the M20 closes traffic along the road doubles as traffic is diverted onto this road from the M2. If there is an accident the whole road into and out of Ashford comes to a standstill or is closed [**HDM&SS comment:** this is not a ground for refusal]
- If the hockey club can lease the ground in Ball Lane for 30 years why is this money not going into their new pitch.
- The access is perfectly suitable from Ball Lane so why is there a need for a new access that will potentially overload the A28 with traffic waiting to turn off
- This development would be inappropriate in a sensitive countryside location around the Ashford urban area and will damage the natural rural character of the area.
- It will cause damage to residential amenity through noise impact from games going on.
- There are no amenities at the site; for example parking, lighting, changing rooms, toilets, showers or any health and safety facilities in case of an accident.
- For each extra pitch there will be an increase of traffic down Ball Lane. With 5 additional pitches there would be a 20% increase in traffic down Ball Lane. A further two pitches on the cricket pitch would take that up to 60%.

- There is already sufficient land at the hockey club to accommodate the necessary pitches [**HDM&SS comment:** the loss of the existing pitch needs to be offset in accordance with policy]
- Sad to see the recreational land being sold off for financial gain
- This housing application, alongside proposals in the Greater Burton area, Julie Rose area , and other sites/ lands off Canterbury Road (including a park and ride proposal) will themselves bring significant traffic and traffic related issues to the Canterbury Road **HDM&SS comment:** consideration of their impact in this respect will be considered under the relevant planning applications and are not material to this scheme]
- This proposal should be part of a comprehensive masterplan rather than as a piecemeal approach. If the long term plan is for the club to move site and sell up for housing, this should be considered by the Council and Sport England to become part of the Borough Plan [**JDCM comment:** the Council have to consider the merits of the application as submitted]
- Prevent the ability of the club to expand in future
- The future roadway will see more playing fields lost [**HDM&SS comment:** this would require the benefit of separate planning permission and is not currently being considered under this application]
- S106 monies from Conningbrook and Julie Rose developments could be used to fund the Hockey Club [**HDM&SS comment:** the monies secured through s.106 from already-consented developments within the Borough have already been secured for projects identified in those s.106s, these cannot be now diverted elsewhere]
- There is only a 30 year lease for the land for the pitches [**HDM&SS comment:** any development proposals which would cause the loss of these pitches would be likely, if they were in active use, to require them to be off-set elsewhere]

## Planning Policy

13. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.

14. The new Ashford Local Plan to 2030 has now been examined and the Local Plan Inspectors' report sets out the elements of the Submission Local Plan that they consider require amendment in order to be sound. In the context of paragraph 48 of the NPPF, this provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, these policies are sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' report, significant weight should be attached to the Inspectors' advice in the application of those policies.
15. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

**GP12** – Protecting the countryside and managing change

**EN9** – Setting and Entrances to Towns and Villages

**EN10** – Development on the edge of existing settlements

**EN23** – Sites of archaeological importance

**EN31** – Important habitats

**HG5** – Sites not on the proposals map

**LE12** – Loss of playing fields

**Local Development Framework Core Strategy 2008**

**CS1** – Guiding Principles

**CS2** – Borough Wide Strategy

**CS9** – Design Quality

**CS11** – Biodiversity and Geological Conservation

**CS15** – Transport

**CS18** – Meeting the communities needs

**CS19** – Development and Flood Risk

**CS20** – Sustainable Drainage

**Tenterden and Rural Sites DPD 2010**

**TRS17** – Landscape Character and Design

**Urban Sites Development Plan Document 2012**

**U0** – Presumption in favour of sustainable development

**U23** – Landscape character and design

16. The following are also material considerations to the determination of this application.

**Ashford Local Plan to 2030 (Submission Version December 2017 as recommended to be modified by the Inspectors in their report)**

**SP1** – Strategic Objectives

**SP2** – The Strategic Approach to Housing Delivery

**SP6** – Promoting High Quality Design

**HOU3a** – Residential windfall development within settlements

**HOU5** – Residential development windfall development in the countryside

**HOU12** – Residential Space Standards internal

**HOU14** – Accessibility Standards

**HOU15** – Private External Open Space

**TRA3a** – Parking Standards for Residential Development

**TRA5** – Planning for Pedestrians

**TRA6** - Provision for Cycling

**TRA7** – The Road Network and Development

**ENV1** – Biodiversity

**ENV3a** – Landscape Character and Design

**ENV4** – Light Pollution and Dark Skies

**ENV5** – Protecting important rural features

**ENV6** – Flood Risk

**ENV7** – Water Efficiency

**ENV9** – Sustainable Drainage

**ENV13** – Conservation and enhancement of heritage assets

**ENV15** – Archaeology

**COM2** – Recreation, Sport, Play and Open Space

**Supplementary Planning Guidance/Documents**

Landscape Character Area SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

Dark Skies SPD 2014

**Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

**Government Advice**

National Planning Policy Framework (NPPF) 2018

17. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
18. Paragraph 48 states in relation to the stages of preparing a Local Plan that:  
  
“Local planning authorities may give weight to relevant policies in emerging plans according to:  
  
a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
  
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”
19. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:  
  
a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or  
  
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or  
  
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
20. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
21. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process. This includes the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Footnote 53 states that where significant

development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

22. Paragraph 175 outlines when determining applications, local planning authorities should apply principles to ensure if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused... development whose primary objective is to conserve or enhance biodiversity should be supported; whilst opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
23. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
24. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage assets. It goes on to state:

*great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

National Planning Policy Guidance (NPPG)

## **Assessment**

The following issues are considered to be raised by the application

- The principle of the development
- Visual Amenity and impact on heritage assets
- Residential Amenity
- Highway Safety & Parking
- Ecology
- Archaeology
- Flooding & Surface Water Drainage
- Other issues

### **The principle of the development**

#### Dwellings

25. The application site is not allocated in the adopted or emerging local plan and therefore is a windfall site and considered against the adopted development plan policies and the guidance contained within the NPPF. The Local Plan Inspector's recent report to the Council confirms that they have concluded that there is a 5-year housing land supply. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para. 11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) does not need to be applied.
26. The Local Plan was submitted for examination in December 2017. The Council may now adopt the Plan as soon as practicable with the amendments required in the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2030 will form the main part of the statutory development plan for the borough. Formal adoption is expected in February 2019. The emerging Local Plan policies should now be afforded significant weight in the planning balance.

27. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
28. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend according to their degree of consistency with the Framework as outlined under paragraph 48.
29. The proposed erection of 9 dwellings on the land to the south of the site would front onto Canterbury Road. Whilst the proposal is outside of the built up confines of Ashford, the location is not considered to be isolated in NPPF terms as the dwellings are in close proximity to every day community facilities and services including the local primary schools, Towers secondary school, St Marys Church and the local centre on Faversham Road and nearby Little Burton Farm estate. Regular bus services run along Canterbury Road to and from Ashford Town Centre and Canterbury as well as other local routes.
30. Saved policy HG5 states that residential development of five or more dwellings on sites which are not on the proposals map, except for windfall sites which have come forward for development within the confines of Ashford, Tenterden, Charing, Hamstreet or Wye would be permitted subject to
- (a) the site being within walking or cycling distance of work, school, shopping, community and leisure facilities. The site would be sustainably located as outlined above and whilst outside of the confines, the site is adjacent to the confines of Ashford.
  - (b) The site must not displace other uses including leisure uses for which there is a need. This issue will be addressed as set out in the report which follows below.
  - (c) The proposal does not result in town or village cramming and is of a good design, this would be considered under the subsequent reserved matters application but given the number of dwellings and the site area, there is no reason to consider the proposal will lead to bad design.

The proposal would not generally conflict with the criteria set out under this saved policy, although it is contrary to the policy in terms of its location outside the confines of Ashford. However, this approach to “confines” is out

of date under the NPPF's policies, and the new Local Plan will replace this approach with one based on policy HOU5 as outlined below. Therefore this current non-compliance with saved policy HG5 should be given very little weight in the planning balance.

31. The development must also be considered against emerging policy HOU5, as Ashford is outlined as a settlement where new residential development close to or adjoining its built up confines is acceptable subject to meeting certain criteria which include the following:

*a) the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development, in liaison with service providers;*

*b) the site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;*

*c) the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;*

See highway safety/parking section.

*d) the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;*

*e) conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality;*

See ecology and visual amenity sections.

*f) the development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*

*i) it sits sympathetically within the wider landscape,*

See visual amenity section.

*ii) it preserves or enhances the setting of the nearest settlement,*

See visual amenity section.

*iii) it includes an appropriately sized and designed landscape buffer to the open countryside,*

See visual amenity section.

*iv) it is consistent with local character and built form, including scale, bulk and the materials used,*

See visual amenity section.

*v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*

See residential amenity section.

*vi) It would conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

See ecology section.

32. The proposal only includes consideration of access from the A28, with all other matters reserved, consideration of how the proposal would comply in relation to the relevant sections is found in the corresponding section of this report. However, the principle of the development in respect of its sustainability and access to services (criteria b. and d.) and ability of Ashford to absorb this level of development (criteria a.) is considered below.
33. Ashford has a wide range of services, the number of dwellings proposed is 9, and this would be commensurate with the size of the town and service provision available. In line with central government guidance contained within the Planning Practice guidance, there is no requirement to seek financial contributions to provision of off-site services including education, health and public open space to mitigate any harm in any case. The site is in very close proximity to these services and these can be reached both on foot, by cycle or public transport safely and with ease.
34. It is considered the development proposed would comply with criteria a, b and d of emerging policy HOU5.
35. The NPPF states, under paragraph 97 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on. This is unless there is either:

- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

36. In this particular instance, there would be the loss of one existing sports pitch and the provision of two new sports pitches resulting in a net increase of one sports pitch which is a public benefit. Improvements to the existing recreational building and artificial pitch on the site, both of which are in need of renovation and enhancement, would be potentially able to be funded by the applicant by the monies raised from the housing, but these improvements have not been designed, do not form part of this application and may require separate planning permission so they cannot be secured now even if there were a good planning reason to do so, which there is not.
37. Development plan policies both saved, adopted and emerging all take the same stance and therefore are in compliance with the NPPF. Saved policy LE12 states that proposals which include the loss of playing fields will be permitted where there is no significant impact on the quality or character of the local environment and, in this instance, an alternative playing field is provided of at least equal leisure value and located so that the local community can readily use it. As outlined above, the proposal would result in the replacement of these facilities with like-for-like provision with a net benefit for users of the club and the wider community of an additional sports pitch. Sport England request a community use agreement be secured and this can be required by condition, therefore, in compliance with this aspect of the policy. The impact on the character of the local environment will be assessed under the following section of this report.
38. Adopted policy CS18 states that the loss of community facilities, which include recreation, sports and leisure facilities will be resisted, unless they no longer are required or are obsolete. The facilities are still required and are being replaced with like-for-like provision, therefore would comply with the policy.
39. Emerging policy COM2, which carries significant weight is in line with the provision within the NPPF under paragraph 97 in that it states that existing sport and recreational buildings and land shall not be redeveloped for other purposes, unless any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

40. The existing pitches are all contained within a single site served by the Hockey Club pavilion and car park. The loss of one of the sports pitches and its replacement, like-for-like with a net increase of one pitch in terms of the current situation across the road, to the north would not be unacceptable. This would be easily accessible along the public right of way.
41. There is potential, as outlined in the comments received from concerned residents, that the pitches at the former cricket club, which is immediately adjacent to the hockey club at Ball Lane could be utilised. The Cricket Club have moved elsewhere within the Borough. However, its land is not within the control of the applicant but has been used by agreement with the Cricket Club. This form of permissive agreement cannot be relied upon in planning terms and this proposal seeks permission for development of a pitch on the application site and its replacement as described. Officers consider subject to conditions, that the proposal would comply with the aforementioned policies and guidance contained within the NPPF.

#### Replacement Sports Pitches

42. The NPPF outlines that where significant development of agricultural land is considered to be necessary, areas of poorer quality should be preferred to those of higher quality. Whilst the land on which the sports pitches are proposed is grade 1 agricultural land, which is the highest quality, a site visit and aerial photographs confirm it has not been used intensively in recent years for any arable crops and is used only for light grazing for pastoral farming. Furthermore, the proposed development would not preclude its future use given there is no intrusive operational development proposed which would inhibit this use in the future. Therefore, it is not considered that the development in terms of the NPPF would be considered significant in scale or impact to conflict with this guidance.

#### **Visual Amenity and impact on heritage assets**

#### Replacement Sports Pitches

43. The proposed sports pitches are located to the rear of the existing dwellings fronting onto Ball Lane within the Stour Gap Landscape Character Area. Two of these are dwellings which back directly onto the site are Apple Tree Cottage and Old School House (Grade II listed). The rear of their gardens back onto the site with the dwellings set forward fronting onto Ball Lane. These sit within generous plots with large rear gardens.

44. Consideration of the impact of the proposal on the designated heritage assets would need to be assessed against the criteria set out under emerging policy ENV13 which states:

*Proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.*

*Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.*

45. The above is supported by the guidance contained in the NPPF under paragraph 193 which seeks to ensure that the impact of development on heritage assets is considered against the significance of the heritage assets. Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to the significance of a designated heritage asset including development within its setting, should require clear and convincing justification. Paragraph 196 goes on to outline where the harm caused by the development is less than substantial, this harm should be weighed against the public benefits of the proposal.
46. It is acknowledged that there may be some corner flags and goal posts erected. Control over any fencing that may be necessary to prevent stock straying onto the pitches can be secured by condition in order to ensure that it does not generate noise from ball-strike or harm visual amenity or the landscape. The resultant visual impact would be minimal and not uncharacteristic of an edge of town location where sports facilities such as these transition into the open countryside beyond. This would not significantly harm the setting of the two listed buildings immediately adjacent to the site and the less than substantial harm caused would be outweighed by the public benefit of increased provision of sports pitches for the community. It is considered that the wider Conservation Area would be preserved by the proposed development of the sports pitches.
47. The site of the proposed sports pitches is within the Stour Gap Landscape Character Area and therefore development here would be considered against policy TRS17 and emerging policy ENV3a. The landscape objective here is to conserve and restore. The characteristics of the landscape here are of cattle grazed pasture with streams and scrub with willow, alders and poplars. The landscape is a parkland setting which is not visible from Ball Lane but is

accessible on foot along a public right of way, so is visible from public vantage points. The proposal, as outlined above, would have a minimal impact on the landscape by virtue of the marking out of pitches and ancillary equipment such as flags and football goals. These would not have a significantly urbanising effect on the landscape, provided that any fencing is carefully controlled by condition, and overall the impact would not be uncharacteristic of an edge of settlement recreation facility.

### Dwellings

48. This application is not considering the appearance, layout, landscaping or scale of the proposed dwellings only the vehicular access serving the site off of Canterbury Road. However, the indicative layout shows 9 detached dwellings arranged in a linear pattern of development. This is not dissimilar to the current rhythm and pattern of development which exists along this part of Canterbury Road. Whilst it would extend the built form along the Canterbury Road, this would not be out of character and the slight set-back location of the dwellings within the site enables landscaping to be considered to mitigate the loss of the existing hedgerow which would need to be removed to provide the relevant sight lines. This could be considered at reserved matters stage. While the detailed consideration as to whether the proposal would comply with criteria f. i)-iv) cannot be considered at this stage, it is considered that they can all be met in an acceptable manner at reserved matters stage. The proposed vehicular access onto Canterbury Road would result in a degree of urbanisation following the removal of the hedgerow but this could be mitigated through the replacement of hedgerow behind the sight lines which could be conditioned at reserved matters stage.
49. In light of the above, it is considered that the proposed development would not result in visual harm or significant harm to the setting of the designated heritage assets identified given its location and on the basis of the indicative details provided. Details relating to the appearance, layout, landscaping and scale would be considered under any future reserved matters application.

### **Residential Amenity**

#### Replacement Sports Pitches

50. The provision of two sports pitches would generate additional noise and disturbance. This is something which has been raised by residents. However, the proposal, would not result in significant harm to the amenity of existing or future residents as the pitches would only be in use during day light hours by virtue of the lack of external lighting and any public announcement system, both of which the Council could control by the imposition of a condition. Also

there is no means of enclosure proposed which could result in noise emanating from ball strike and the pitches are located approximately 50 metres from the private garden areas of the nearest dwellings, Old School House and Apple Tree Cottage. Given this and that the only noise being generated being from shouts and whistles being blown, this would not give rise to a significantly harmful impact to the amenity of neighbours. As outlined by the Council's Environmental Health Officer, this is particularly difficult to assess due to the variability in terms of volume, intensity of noise incidents and the location of the pitches. It is considered, that whilst no noise assessment has been submitted, in the professional opinion of the Council's Environmental Health Officer, an acoustic assessment is not liable to provide a robust or reliable assessment of the impact, therefore no such report has been requested from the applicant. Based on this assessment, whilst there would be noise generated, it is unlikely to result in significant harm to the amenity of residents. Environmental Health, raise no objection on this basis.

51. Residents have also raised concerns regarding their amenity as a result of increased noise and disturbance and pollution as a result of the new pitches. The existing site does not have a condition which caps the number of persons who are able to utilise it at any one time. It is located on a no-through road which in places is narrow, this prevents vehicles from travelling at speed. It should be noted that whilst there is an increase in the number of pitches, given there is only a net increase of one pitch above and beyond the existing situation, which also takes into account the part of the wider site formerly used by the Cricket Club, this would not significantly alter the status quo.
52. Residents who back onto the land have also raised concern regarding overlooking of their gardens and a resultant loss of privacy. Given the size of these gardens, the separation distances from the pitches and the existing agricultural land, where a permissive footpath passes through without any means of enclosure, this would not result in any significant loss of privacy.

### Dwellings

53. Criteria f. v) of emerging policy HOU5 requires new residential development to not result in harm to the amenity of nearby residents. Whilst the layout plan is only indicative, there is a sufficient separation distance between the existing dwelling adjacent to the site (No.352 Canterbury Road) and each of the proposed dwellings and as a result, there would not be overbearing impact to the amenity of the occupiers of this neighbouring dwelling. The details of the proposed dwellings is not for consideration at this stage. When being considered at the reserved matters stage it will be ensured that there are no

windows on any of the proposed dwellings that would cause any unacceptable overlooking of existing dwellings and their private garden areas.

54. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD. The reserved matters application should ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.
55. The proposed dwellings would be located to south of the existing pitches. Similar to the existing dwellings along Canterbury Road, there would not be any significant adverse impact on their amenity by virtue of the separation distances from the artificial pitch which is floodlit and can be utilised during the winter months during the evening period, whilst the remaining unlit pitches can only be used on the same basis as the proposed replacement pitches and are unenclosed and as they are not directly floodlit would not give rise to use at unsociable hours. Therefore, the proposed dwellings would not be subjected to undue noise and disturbance which would result in significant harm to the residential amenity of future occupiers.
56. Given the above, I am satisfied that the development would not result in unacceptable levels of harm to the residential amenity of neighbouring dwellings or future occupiers and as such the proposal would be acceptable in terms of impact on residential amenity.

## **Highway Safety & Parking**

### Replacement Sports Pitches

57. As outlined in the residential amenity section of this report, the existing site does not have a condition which caps the number of persons who are able to utilise it at any one time. It is located on a no-through road which in places is narrow, this prevents vehicles from travelling at speed. It should be noted that whilst there is an increase in the number of pitches, given there is only a net increase of one pitch above and beyond the existing situation, which also takes into account the part of the wider site formerly used by the Cricket Club, this would not significantly alter the status quo. There is a large car park on site and whilst concerns have been raised about parents and those utilising the new pitches parking on Ball Lane, the Council cannot enforce where people park their vehicles but are satisfied that there is sufficient on-site parking to prevent parking on the road which would otherwise result in harm to highway safety.

## Dwellings

58. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. This is reinforced by the requirement under emerging policy HOU5 under criteria c.
59. The site would be served by a new vehicular access off of the A28. Suitable visibility splays can be provide and turning on site through the provision of an internal access which would run parallel to the existing highway. It is considered by the Highway Authority, subject to conditions, that the proposed development would not give rise to highway safety concerns. Therefore, the development would be able to be safely accessed from the local road network. The vehicle movements associated with the 9 dwellings proposed can be accommodated without harm to highway safety.
60. Whilst this is only an outline application, the indicative layout proposed shows parking to serve each of the dwellings. This is in accordance with the Council's Residential Parking SPD but not the Council's emerging policy TRA3a which seeks 3 parking spaces for any dwelling with 4 or more bedrooms. It is, however, considered that the development would be able to accommodate sufficient parking and this could be demonstrated at reserved matters stage with a condition imposed at outline stage to secure sufficient parking in accordance with policy TRA3a. Therefore the development would comply with criteria c. of emerging policy HOU5.

## **Ecology**

### Replacement Sports Pitches

61. An ecological scoping survey was not submitted originally with the application in line with the requirement to consider the impact on biodiversity on and/or adjoining the site to ensure that there is no adverse impact to international and nationally protected species and their habitat. This is a requirement under saved policy EN31, emerging policy ENV1 and adopted policy CS11 which are in accordance with the guidance contained within the NPPF under paragraph 175. It is also a requirement of European and National legislation. Following concerns raised by KCC Ecology, a scoping survey was submitted which concluded that the proposed development, which may include some levelling and subsequently, ploughing and sewing of new playing surfaces in accordance with the Football Association specification, and which is not

dissimilar to an agricultural use on the site. Therefore, the proposal would not result in the need for a European Protected Species Licence. KCC Ecology are satisfied that subject to a condition imposed if permission is granted for an Ecological Management Plan, there would be no harm in respect of ecology and protected species. It is therefore considered, the proposal complies with both local and national policies.

### Dwellings

62. The existing site is well maintained and of low ecological interest. There would no harm caused to protected species or their habitats in line with the requirement under criteria f. vi) of emerging policy HOU5.

### **Archaeology**

63. The proposed development of the replacement sports pitches would lie within an area of archaeological potential. A desktop study has been carried out as part of the submission which KCC Heritage's Senior Archaeologist confirms is sufficient to enable her to raise no objection subject to a condition to be imposed should permission be granted. It is considered that given the nature of the development and the imposing of this condition, there would no harm to the significance of any archaeological remains which is in line with the requirements of the NPPF, saved policy EN23 and emerging policy ENV15.

### **Flooding and Surface Water Drainage**

#### Replacement Sports Pitches

64. The replacement sports pitches are within floodzones 2 and 3, however their use is considered, under the planning practice guidance to be classified as 'a less vulnerable use' which is compatible with areas at risk from flooding. KCC as the Lead Local Flood Authority and the Council's Drainage Engineer have commented on the application and following the receipt of a Surface Water Drainage Strategy and a Flood Risk Assessment, the latter of which is required by emerging policy ENV6, the run off from the site would not be significantly altered.

### Dwellings

65. The remainder of the site, is outside of the floodzones 2 and 3 and it is considered that there is the ability to control surface water run-off in line with the Council's Sustainable Drainage SPD and KCC's LLFA requirement under their drainage and planning policy statement (July 2017) for small sites.

66. No objection has therefore been raised in respect of flooding or surface water run-off as a result of the development proposal when taken as a whole. It is considered that there would not be an increase in surface water run-off or flooding elsewhere. Details of the design, construction and drainage of the proposed pitches would be addressed by condition to ensure they are able to be utilised all year in line with the comments from Sport England.

## **Human Rights Issues**

67. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

68. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

69. The proposed development would result in the loss of an existing sports pitch but this would be off-set with two new sports pitches on land which is in close proximity to the existing site. The proposed loss of grade 1 agricultural land would not be significant and could easily be reversed in the future should the land no longer be required for the use proposed.
70. There is scope to secure provision which is of equivalent or better provision in terms of quantity and quality in a suitable location and this can be secured by condition as requested by Sport England. Whilst the site of the Replacement Sports Pitches is within Floodzones 2 and 3, given the nature of the use, this would be compatible with this designation and the Environment Agency and KCC as the LLFA raise no objection. There would be control of hours of construction, provision of lockable bollards to prevent anti-social behaviour, control of permitted development, provision of parking spaces for the proposed dwellings, restrictions to prevent public address systems and

floodlighting for the replacement sports pitches through condition to ensure there is no significant harm to amenity of local residents.

71. The proposed dwellings do not comply with saved policy HG5 in principle, but little weight should be given to this in this case, and they would comply with emerging policy HOU5 as they would be in close proximity to everyday shops and services and be in a sustainable location by virtue of this proximity and access to public transport. Matters relating to layout, scale, appearance, and landscaping are reserved for future consideration. However, based on the information available and indicative drawing submitted I am confident that a scheme can be designed which will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy.
72. In terms of the impact of the development on the setting of the adjacent Listed Buildings and conservation area, I am satisfied that a scheme can be designed that would result in less than substantial harm to the setting of the Listed Buildings in accordance with policy. The public benefits of this proposal in terms of the replacement and additional pitches, and the modest contribution towards maintaining the Council's 5 year housing land supply would outweigh any limited harm that may arise.
73. There would be no unacceptable levels of harm to highway safety, ecology, drainage, flood risk and residential amenity which would warrant refusal of the proposed development.

## **Recommendation**

**Grant Outline Planning Permission subject to planning conditions, including those dealing with the subject matters identified below, with delegation to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to settle the wording of planning conditions as she/he sees fit with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 1<sup>st</sup> October 2018**

**Subject to the following Conditions and Notes:**

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application
3. Biodiversity enhancement measures
4. Ecological Management Plan

5. Access and visibility splays
6. Parking spaces
7. Hours of construction
8. Construction and Transport Management Plan
9. Footways and carriageway works
10. Cycle Parking
11. Details of the lockable bollards to prevent vehicular access to the site off of Ball Lane
12. SUDs
13. Maintenance manual for the proposed sustainable drainage system
14. Submission of a Verification Report pertaining to the surface water drainage system
15. Protection of trees
16. Protection of hedgerows
17. Walls, fencing and boundary treatments
18. Removal of Permitted Development rights and requirement of prior approval of any means of enclosure or boarding around and adjacent to sports pitches off of Ball Lane
19. Landscape Management Plan
20. Living accommodation in accordance with National Space Standards
21. Control of use of approved dwellings as single dwellinghouses.
22. Refuse storage
23. Electric car charging points
24. Water consumption measures
25. Removal of household Permitted Development rights
26. Broadband Fibre provision
27. Disposal of sewage
28. Measures to protect existing sewage pipes
29. Archaeological Watching Brief
30. The development of the 9 dwellings hereby permitted shall not be commenced until the replacement playing fields have been completed and made available for use and a community use agreement approved and in place.

31. Pitches to be used only for football or hockey and retained and operated in accordance with the community use agreement.
32. Detailed design of proposed replacement sports pitches
33. Evaluation of ground conditions for replacement pitch site and specification of proposed soils, construction, drainage, maintenance and cultivation to enable it to be used for playing.
34. No external lighting for the new replacement pitches.
35. No public address system for the new replacement pitches
36. Development in accordance with the approved plans.
37. Development to be available for inspection.

## **Notes to Applicant**

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance .....

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

1. There is merit in meeting Kent Police to discuss the design and potential CPTED concerns at outline stage, also any formal applications e.g. SBD. We would welcome a meeting with the applicant/agent to discuss site specific Crime Prevention in detail, any notes from the meeting may be passed back to Planning as part of our full response to this planning application. If the applicant/agent fails to contact us, it may affect the development and have a knock on effect for the future services and duties of the Community Safety Unit (CSU) and local policing.
2. The conveyance of surface water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level and included in the submission for reserved matters.
3. No development or new tree planting should be located within 3 metres either side of the external edge of the public foul and surface water sewers and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public foul and surface water sewers.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

No surface water is to be permitted to discharge to the public surface water network without prior approval from Southern Water.

4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web:[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

5. In accordance with BS5489 in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01140/AS)

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Annex 1

