

4.1 – SE/13/03131/FUL Date expired 13 February 2014

PROPOSAL: Installation of fencing to include 3 no. gates to the perimeter of the site. Installation of 2 no.100 seated spectator stands. Installation of 1 no. covered standing terrace. Installation of pitch floodlighting sourced by 6 no. 14m high pylons. Alteration to existing car park to allow for additional car parking spaces.

LOCATION: The London Hire Stadium, Lower Road, Hextable BR8 7RZ

WARD(S): Hextable

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Morris for consideration of the impact of the proposed development on the openness of the Green Belt.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposed floodlights would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness and by reason of their number, size and design would be harmful to the character and appearance of the surrounding countryside. The Council does not consider that the special circumstances put forward in this case are sufficient to justify development that would be contrary to the National Planning Policy Framework, policies SP1 and L08 of the Core Strategy (2011) and policy EN1 of the Sevenoaks District Local Plan (2008).

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 Full planning permission is sought for the erection of two 100 person seated spectator stands adjacent to the northern boundary and one covered standing terrace adjacent to the eastern boundary of the existing football pitch. It is proposed to install six 14m high floodlights. The proposals also include the installation of perimeter fencing to all boundaries and alterations to facilitate more on site car parking provision.

Description of Site

- 2 The site comprises 3.87ha of land located within the valley on the north side of Lower Road approximately 240m east of the defined built confines of Hextable. The site is owned by Hextable Parish Council and immediately surrounded by parcels of open land demarcated by informal hedging and shrubbery. The nearest residential development are the dwellings located on higher land to the north of the site on Top Dartford Road (located over 130m from the rear gardens and 175m from the dwellings themselves) and the dwellings located along the valley within Fens Way, which is over 250m to the west of the site. Over 200m to the west of the site there are several other residential buildings and two Gypsy and Traveller sites (one permanent and one temporary) located on the southern side of Lower Road. Proposals for 5 additional pitches at the permanent site and proposals to make the single temporary pitch permanent are contained within the Gypsy and Traveller Site Options Consultation document.
- 3 The majority of the site is laid to grass and is mostly level with the exception of a strip of land at the northern boundary which slopes up to dense vegetation. The east and west boundaries comprise relatively dense planting which effectively screens the site from the adjoining parcels of land. Lower Road lies higher than the site at the southern boundary and features a number of mature trees and informal scrub.
- 4 The centre of the site is occupied by a single football pitch surrounded by a low perimeter fence. The built form is limited to a single storey pavilion building located in the south west corner of the site, two small shelters located immediately adjacent to the southern boundary of the football pitch and 6 floodlights on the west boundary. Vehicular access is via a gated entrance from Lower Road in the south east corner of the site and informal parking provision is provided on an unmade surface along the southern boundary.

- 5 The whole of the site lies within the Metropolitan Green Belt. There is a Public Right of Way approximately 38m to the east of the site linking Lower Road with Goss Hill.

Constraints

- 6 Metropolitan Green Belt

Policies

Sevenoaks Core Strategy

- 7 Policies - SP1, LO8

Sevenoaks District Local Plan

- 8 Policies - EN1, EN31, VP1

Other

- 9 NPPF
- 10 Sevenoaks Countryside Assessment (2011)

Planning History

- 11 PA/11/00988: Pre-application advice in connection with erection of floodlights and spectator stand.

87/0160/HIST: Provision of pavilion. GRANTED 18/11/1987.

85/01764/HIST: Erection of community centre with car parking facilities. REFUSED 12/03/1986.

80/00147/HIST: Use of land as public open space (renewal of temporary planning consent TH/5/73/634). GRANTED 23/05/1980.

Consultations

KCC Highways

- 12 'I could not identify any principle highway reason to object to the proposal which would be viewed from a highway perspective as a potential intensification of an existing permitted use, thus the principle has already been established albeit with some modification being appropriate with regard to the intensification.

Whilst there are no local or network capacity issues in respect of the proposals, the access is not particularly suitable in its current form for the potential number of vehicle movements which it will be accommodating (in respect of both its layout and its general state of repair). I would therefore recommend a condition requiring the access (and crossover) to be improved to a suitable standard to accommodate in and out movements to and from the new car park and associated with both potential visitor and servicing movements with the access to be hard surfaced to a suitable standard to accommodate such vehicle movements and with a plan showing how such improvements are proposed to be achieved to be submitted to LPA for approval prior to the new facilities coming

into use. The associated crossover will also require approval from KCC Highways and Transportation prior to construction.

I would also recommend a condition requiring the applicant to provide an appropriate wheel washing facility on site throughout the construction period.'

Dartford Borough Council

- 13 'The Borough Council would wish to raise no objection to the proposals. Subject to highway and residential amenity impacts being satisfactorily mitigated'.

Parish Council

- 14 No comments received.

Representations

- 15 Neighbour notification letters were sent to occupiers of 48 properties surrounding the application site. A site notice and press notice were also displayed. The statutory consultation period ended on 22.12.2013. 9 written representations received (including 1 support, 4 objections and 4 making comments only) as summarised below:

- Pavilion has been used late into the evening on various occasions. Request hours of use be limited and site vacated and closed by 11pm Sun-Thurs and by 12 midnight Fri-Sat to ensure no intrusive noise late into the night;
- Request functions in club house finish before midnight;
- Spectator stands should be at ground (pitch) level so as to not be visible from Top Dartford Road;
- No sections to show how development relates to topography of land;
- Concern about impact on bats;
- Concern about impact on birds of prey;
- No pavements to site, concern about safety and parking from additional cars;
- Impact on openness of the Green Belt, query whether other sites considered;
- Concern that development is first step in process to gain residential planning;
- Query where cars are going to go. Cars parking in lanes not ideal;
- Query whether lights would be green or ugly metal silver;
- Query whether lights would be in addition to or instead of existing ones;
- Impact of lights on surrounding houses;
- Concern about littering and noise pollution;
- Support proposals; good to see an amenity made full use of after years of neglect and misuse. Security fence would prevent reoccurrence of an invasion of

travellers. Welcome development as promoting Hextable and fosters community spirit.

Chief Planning Officer's Appraisal

- 16 The main issues relate to
- The principle of the development in the Green Belt, including whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;
 - If it is inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on biodiversity and ecology.

Whether the proposal is inappropriate development:

- 17 Current Government advice, in the form of the NPPF, supports the protection of the Green Belt and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 18 Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, but lists a number of exceptions including the:
- 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.*
- 19 The proposed development comprises a number of parts. It is considered that the proposed spectator stands, floodlights, perimeter fencing and extension to the car park could all be deemed to be *'appropriate facilities'* for outdoor sport and subject to consideration of the impact on openness (considered below) are capable of constituting appropriate development for the purposes of the NPPF.

Effect on openness and the character and appearance of the area:

- 20 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Saved policy EN1 of the Local Plan states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. Saved policy EN31 of the Local Plan requires lighting to be designed as an integrated part of any related development scheme, to be no greater intensity than required, to be low energy and to minimise glow/spillage. Proposals for lighting schemes within areas of open countryside will not be permitted unless the lighting is essential for safety or security reasons for the facility in question. Policy L08 of the Council's Core Strategy also applies and states that the extent of the Green Belt will be maintained. The policy also states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. Development should cause no adverse impact on the character of the countryside or the openness of the Green Belt.
- 21 The application site lies within the Hextable Fringe as identified within the Sevenoaks Countryside Assessment which describes the landscape as a 'gently undulating rural-urban fringe area. The topography provides a strong sense of enclosure, which is emphasised by the strong pattern of small scale rectangular fields'. The description also refers to 'urban highways turn into narrow winding lanes with steep banks, as they leave urban fringe areas and enter the rather unkempt adjacent countryside – the latter visibly deteriorating in terms of maintenance and coherent management'. Reference is also made to some fields on the urban fringe becoming amenity facilities including playing fields. Notwithstanding that the sensitivity of the landscape as a whole is designated as low, it is considered that the distinctiveness of the application site and particularly its rural valley setting mean that its ability to absorb change in the form of new development is limited.
- 22 The proposed spectator stands would be located at ground level directly adjacent to the football pitch. The two seated spectator stands (including disabled viewing area) would be located on the north side of the pitch approximately 24m from the north boundary and 28m apart. They would measure 14.5m in length, 3.3m in depth and 4.6m in height. The single standing spectator stand would be located on the east side of the pitch approximately 14m from the east boundary. This would be smaller than the seated stands, measuring 10.1m in length, 3m in depth and 3m in height. In terms of design, the stands would be roofed steel structures and feature open fronts and sides. The stands would be visible in short distance public views through the vegetation on the boundary with Lower Road and in longer views from surrounding land. By reason of the stands being positioned some distance from the existing pavilion, which constitutes the main built form within this otherwise open landscape, they would have an inevitable impact on openness. Notwithstanding this, the impact of the stands would be partly mitigated by the gradient of the land rising directly behind and the dwellings on Top Dartford Road which dominate the skyline and in my view would preserve the openness of the Green Belt. It follows that the spectator stands would be appropriate development for the purposes of the NPPF. The stands would have some impact on the character and appearance of the area; however this would not amount to substantial harm by reason of their limited size and minimum site coverage.

- 23 The proposed floodlighting would consist of six 14m high metal pylons located on the southern and northern edges of the football pitch some distance from the site boundaries. Each pylon would support two luminaires. At 14m high the pylons would be equivalent in height to a four storey building. They would significantly exceed the height of any other structures on the site (including the existing floodlights on the west boundary) and would appear visually intrusive and overly dominant during daylight hours. They would also exceed the height of the majority, if not all of the surrounding vegetation and represent an urbanising feature in a predominantly open valley landscape. When lit, the floodlights would provide a box of light of a significant height in an area of no street lighting contrary to paragraph 125 of the NPPF which states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. I consider that the floodlights would fail to preserve the openness of the area. They would therefore constitute inappropriate development for the purposes of the NPPF. The floodlights would also be harmful to the character and appearance of the rural surroundings, both during daylight hours and when in operation after dark.
- 24 There are two options for the proposed perimeter fencing; a 2.2m high metal palisade fence or a 1.8m high open welded mesh fence. The welded mesh fence would appear more permeable than the palisade fence and would not constitute such a strong barrier to visibility. The fence would be located within the existing site confines and in terms of the north, east and west elevations would be observed against the backdrop of the adjacent hedges and scrub. The mesh fence would be further visually subsumed against its surroundings by reason of its green finish. The visual impact of the fence adjacent to the southern boundary would be limited by virtue of the difference in ground level between the site and Lower Road. The fences and gates would have very little negative impact and would preserve the openness of the Green Belt and character and appearance of the surroundings. For this reason the proposed fencing would constitute appropriate development for the purposes of the NPPF. The proposed fence would be located to the rear of the existing pavilion and on the basis that it would secure the entire site it is recommended that the existing palisade fence surrounding the pavilion be removed. The removal of this section of unsightly metal fencing would enhance the openness and improve the appearance of this corner of the site.
- 25 The proposed enlargement of the existing car parking area would comprise the removal of an 82m long low bund and extension of the area available for car parking by approximately 850sqm. The extended parking area would be appropriate development by reason of being related to the recreational use of the site and whilst the parking of cars on the land would impact on openness this would be a transitory rather than a permanent impact; the hardstanding itself would not impact on openness. Notwithstanding this, the introduction of a significant area of tarmac hard surface would starkly contrast with the predominantly soft green character of the existing playing field and be harmful to the appearance of the area. It is considered that the harm to the character of the area could be appropriately mitigated by the use of an alternative surface material, for example grasscrete. Details could be secured by planning condition.
- 26 In summary the proposed floodlights would be harmful to the openness of the Green Belt and thereby constitute inappropriate development in the Green Belt for the purposes of the NPPF.

Impact on residential amenity:

- 27 Saved policy EN1 of the Local Plan identifies the broad range of criteria against which most planning proposals will be tested and includes issues of amenity. Specifically criteria 3 requires proposed development to not have an adverse impact on the amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Saved policy EN31 of the Local Plan also states that proposals to floodlight sports fields will not be permitted if they would result in a significant loss of privacy or amenity for nearby residential properties.
- 28 The nearest residential development are the dwellings located on higher land to the north of the site on Top Dartford Road (located over 130m from the rear gardens and 175m from the dwellings themselves) and the dwellings located along the valley within Fens Way, which is over 250m to the west of the site. There are several other residential buildings located on the southern side of Lower Road; however all of them are located over 200m from the site.
- 29 By reason of its relatively isolated location, the proposed operational development would have no adverse impact on residential amenity in terms of form, scale, height or outlook. The development would make sheltered provision for 300 seated and standing spectators where there is currently no sheltered spectator accommodation. The proposed floodlights would also facilitate longer use (albeit the hours of use could be controlled by condition), particularly on shorter days in the winter months. However in the context of there being no existing restrictions on spectator capacity (current average attendance on match days is 60 people) or on hours of use of the football pitch, and subject to appropriate conditions to prevent light spillage, the proposed development would have little material impact on the nearest residential occupiers in terms of noise or light intrusion.
- 30 The proposed development would be likely to result in a more intensive use of the site in terms of increasing the hours of use and the numbers of people attending, both of which have the potential to increase the levels of vehicular and pedestrian movements in the area. Given the sites relatively isolated location and proposed provision of additional on-site car parking it is likely that any additional vehicular or pedestrian activity could be readily absorbed and would not be so harmful to the amenities of surrounding occupiers as to justify a refusal of planning permission on this basis.

Impact on highway safety:

- 31 Criteria 6 of policy EN1 of the Local Plan requires proposed development to ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10 requires proposed development to not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.
- 32 It is proposed to retain the existing vehicular access onto Lower Road and to reconfigure and formalise the existing parking area (which has capacity for approximately 45 cars) to facilitate parking for 73 cars. Provision would also be made for 2 disabled parking spaces and cycle parking. There are no approved car parking standards relating to uses such as this and the proposed provision is considered to strike an acceptable balance between providing sufficient parking

spaces and retaining the open and accessible nature of the land. Some residents have raised concerns regarding cars parking on Lower Road; however in the absence of any parking restrictions in this location is permissible and is not considered to present a significant highway safety issue.

- 33 Subject to a condition requiring further details of the amendments necessary to accommodate the additional vehicle movements and to secure appropriate wheel washing facilities, the development is considered acceptable in this regard.

Impact on biodiversity and ecology:

- 34 Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. The site is not located within or adjacent to a Site of Special Scientific Interest, Local Wildlife Site or other identified site of biodiversity value.
- 35 Notwithstanding this, the proposed development would not be harmful to biodiversity. Particular consideration has been given to the potential impact of the proposed floodlights on bats, which one resident has raised concerns about. The Bat Conservation Trust has produced guidance on bats and lighting and highlights that artificial illumination has the potential to harm bat roosts and bats' feeding and flying behaviours. It states that the time of lighting should be limited to provide some dark periods and that stretches of identified flying routes should be retained unlit.
- 36 By reason of the isolated location of the proposed lighting, avoidance of spillage and the restricted hours of operation, it is not considered that the proposed floodlighting or any other aspects of the development would be harmful to nature conservation or the biodiversity value of the site.

Very special circumstances:

- 37 The proposed floodlights would not maintain openness and would therefore constitute inappropriate development in the Green Belt. The floodlights would also be harmful to the character and appearance of the area.
- 38 The applicants, Sutton Athletic Football Club, have been a member of the Kent Invicta League since 2010 and relocated to the application site in 2012. Participation in the league requires the applicants to meet certain ground criteria as set by the Football Association. The criteria includes enclosure of the site by perimeter fencing, installation of spectator stands and floodlighting. The Planning Statement sets out the benefits of the development including increased use of the facilities by the wider community in a centralised and compact location and specifically development of youth football (including provision of three additional teams).
- 39 The provision of floodlights would deliver the criteria required for participation in the Kent Invicta League, increase the capacity of the site by allowing a higher number of matches to be played and reduce the risk of season extensions due to games postponed due to bad light. Illuminating the football pitch would also increase the period over which the club could play and provide an opportunity for use in the winter months helping to support youth development at the club. In this context, external lighting may be seen as an essential component to the growth and success of the club and to the aspirations of facilitating youth development.

- 40 Whilst it is acknowledged that the hours of illumination could be controlled by condition it is considered that the scale of the proposed lighting columns would be such that they would be unacceptably intrusive and harmful to the character and appearance of the area, both during daylight when not in use and when illuminated after dark. Notwithstanding this, it has not been demonstrated that external lighting cannot be provided in a way that would be more appropriate to this sensitive location and would not result in the harm outlined above and thus there are no very special circumstances to clearly outweigh the harm in principle way of inappropriateness and the harm to the openness of the Green Belt.

Other matters:

- 41 A number of residents have requested that the hours of use of the pavilion be restricted by planning condition. However; on the basis that there are no existing restrictions on the operation of the pavilion and that no alterations are proposed to this building as part of this application it would not be reasonable to impose conditions of this nature.
- 42 With regards to the site there is no requirement in the Development Plan to show that the development could not take place elsewhere.

Conclusion

- 43 The proposed floodlights would cause harm to the openness of the Green Belt. The NPPF makes clear that substantial weight should be given to harm to the Green Belt. Additional, albeit more limited harm would be caused to the rural character and appearance of the area. Whilst the provision of the proposed floodlighting would help fulfil the criteria required by the Football Association and thereby contribute to the growth and success of the existing football club it has not been demonstrated that such benefits could not be gained with a more sensitive development. Whilst this is a positive factor it is not considered sufficient, to clearly outweigh the identified harm. It is therefore concluded that the very special circumstances required to clearly outweigh the harm to the Green Belt do not exist in this case.

Recommendation: Refuse planning permission

Contact Officer(s): Matthew Durling Extension: 7448

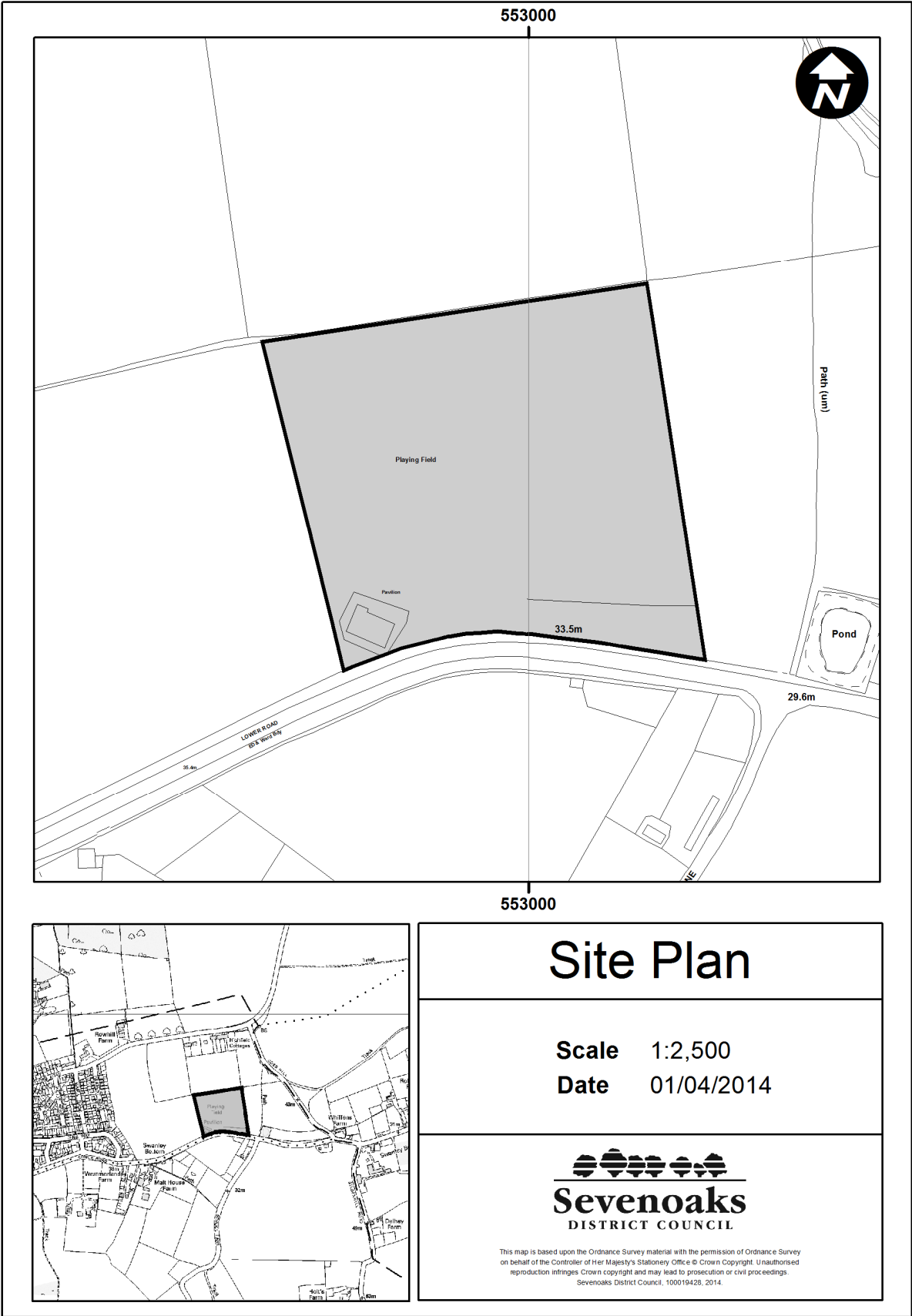
Richard Morris
Chief Planning Officer

Link to application details:

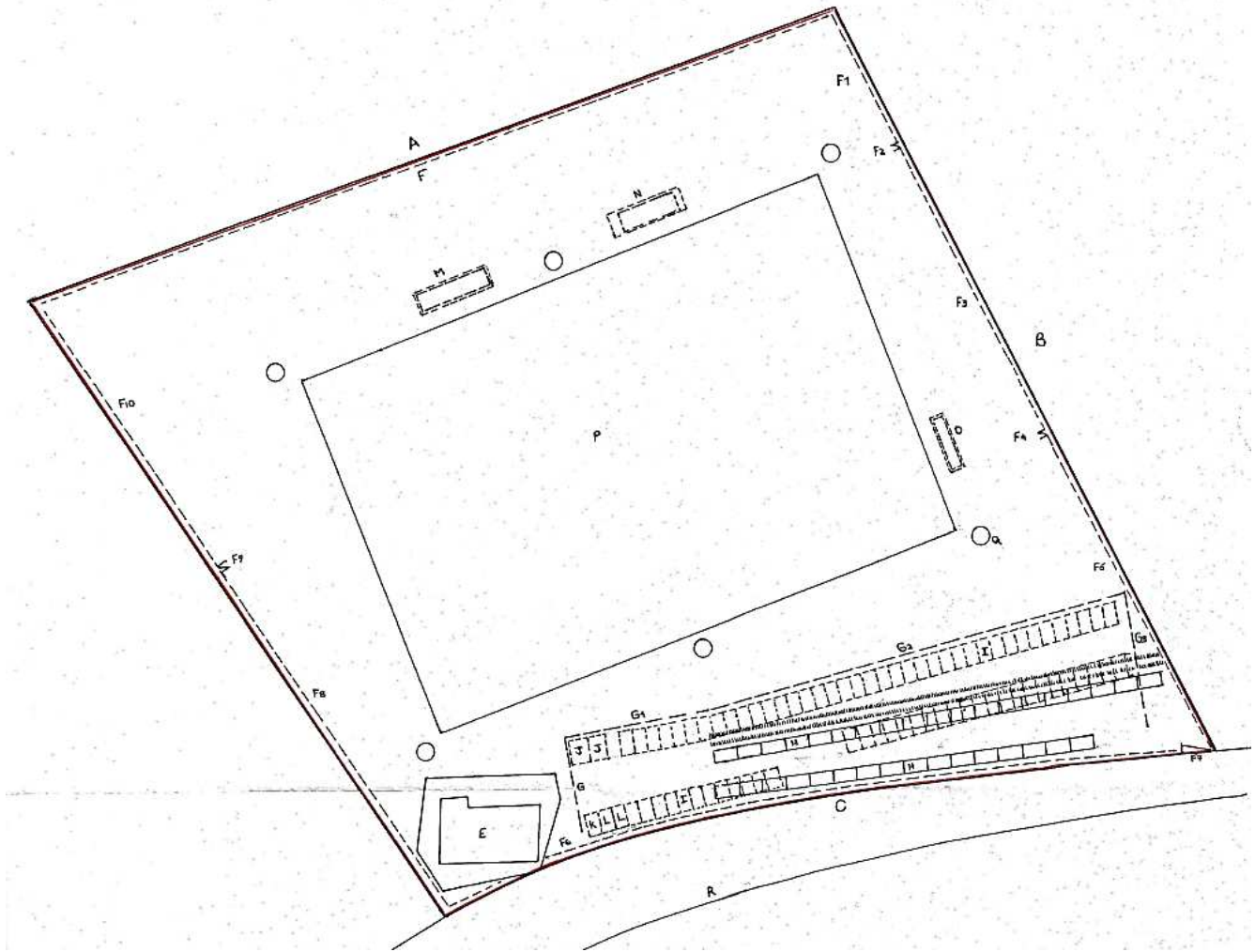
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MV29THBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MV29THBK0L000>



Block Plan



NOTES:

A	-	163m
B	-	159m
C	-	152m
D	-	141m
E	-	EXISTING PAVILLION
F	-	-- PROPOSED FENCE 160m
F1	-	-- PROPOSED FENCE 27m
F2	-	GATE 1m
F3	-	-- PROPOSED FENCE 60m
F4	-	GATE 1m
F5	-	-- PROPOSED FENCE 69m
F6	-	-- PROPOSED FENCE 136m
F7	-	ENTRANCE GATE 6.1m
F8	-	-- PROPOSED FENCE 75m
F9	-	GATE 1m
F10	-	PROPOSED FENCE 60m
G	-	CAR PARK - 18m
G1	-	CAR PARK - 28m
G2	-	CAR PARK - 82m
G3	-	CAR PARK - 26m

	H	-	EXISTING CAR PARK SPACES 35
	I	-	PROPOSED CAR PARK SPACES 73 2.4m x 4.8m
	J	-	DISABLED PARKING BAYS 2 3.6m x 4.8m
	K	-	CYCLE BAYS 1 2.4m x 4.8m
	L	-	MOTOR CYCLE BAYS 2 2.4m x 4.8m
	M	-	1m Spectator Seated stand with DISABLED SEATING AREA 14.5 x 3.3m (100 SEATS). STAND TO MEASURE 14m x 3.3m
	N	-	1m Spectator Seated Stand 14.5m x 3.3m (100 SEATS) STAND TO MEASURE 11.6 x 3.3m
	O	-	1m Standing Spectator Terrace 10.1m x 3m BASE FOR (100 SEATS). STAND TO MEASURE 9.9m x 1.4m
	P	-	Football Pitch 105m x 72m
	Q	-	6m x 11m Floodlights
	R	-	LOWER ROAD.