

**MC/21/1315**

**Date Received:** 6 May 2021

**Location:** Star Meadow Sports and Social Club Darland Avenue  
Darland Gillingham

**Proposal:** Conversion of an existing natural turf sports pitch to an artificial grass pitch together with engineering works to create 2 dug outs; construction of 4m high acoustic fencing with 2m high additional netting behind goals (6m high total); 1.1m high key clamp handrail fencing; 1.2m high open steel mesh perimeter barrier; entrance gates; turnstiles and cycle storage

**Applicant** Invictus Sports Group Ltd

Mr Richard Radbourne

**Agent** Labosport Ltd

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Heanor

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**Ward:** Watling Ward

**Case Officer:** Tom Stubbs

**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9th March 2022.**

### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 7 January 2022:

21-0132 P02 Rev 05 Site Plan

21-0132 P03 Rev 04 AGP Plan

21-0132 P06 Rev 03 AGP Fixed Equipment Elevations

21-0132 P08 Rev 02 Proposed Parking Layout

21-0132 P09 Rev 00 Indicative Planting Scheme

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives' vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.
- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
  - ii. A timetable for its implementation (including phased implementation).
  - iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
  - iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 5 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 6 No development shall take place above slab level until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 89/26/RD dated April 21, has been submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The permitted use shall not commence until certification and registration documents have been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits in accordance with Policies L3 and CF2 of the Medway Local Plan 2003.

- 8 The permitted use shall not commence until details of a management and maintenance scheme of the approved facility have been submitted to and approved in writing by the Local Planning Authority. The details shall be consulted with Sports England and include management responsibilities, a maintenance schedule and a mechanism for review. The Scheme shall include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The 3G pitch shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure that the new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policies L3 and CF2 of the Medway Local Plan 2003.

- 9 The permitted use shall not commence until details of a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the 3G AGP and ancillary facilities and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policies L3 and CF2 of the Medway Local Plan 2003.

- 10 The permitted use shall not commence until details of a signed verification report carried out by a qualified drainage engineer (or equivalent) has been submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 11 The permitted use shall not commence until, full details of landscaping to the eastern boundary have been submitted to and approved in writing by the Local Planning Authority. The details should include: a landscape management plan for this boundary in perpetuity of the development, details of ground preparations prior to planting and a timetable for implementation. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 12 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plan 21-0132 P09 Rev 00 and relevant parts of the Arboricultural Impact Assessment Version 1 dated 25 November 2021 to these retained trees; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any

equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 13 The community use of the new pitch hereby permitted shall only operate between the hours of 17:00 to 22:00 Mondays to Fridays inclusive and between the hours of 09:00 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

## **Recommendation**

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

## **Proposal**

This application seeks planning permission for the conversion of an existing natural turf sports pitch to an artificial grass pitch together with engineering works to create 2 dug outs; construction of 4m high acoustic fencing with 2m high additional netting behind goals (6m high total); 1.1m high key clamp handrail fencing; 1.2m high open steel mesh perimeter barrier; entrance gates; turnstiles and cycle storage.

The application also seeks to relocate the existing spectator areas, retain the existing flood lights, provide 8 cycle spaces and increase the number of parking spaces from 54 to 68. The proposed plans show the removal of the vegetation on the eastern

elevation with an indicative replacement of a mix of replacement trees and a 2m high fence. The turnstiles are to be located within the northern section of the site past the car park.

### **Relevant Planning History**

MC/14/1015	Variation of condition 5 of planning permission MC/13/2791 to increase lux levels to not exceed an average of 240 Lux Decision: Approved with conditions Decided: 5 June 2014
MC/13/2791	Installation of six 15m high floodlights Decision: Approved with conditions Decided 21 March 2014
MC/11/0226	Construction of a single storey changing room and storage facility. Re-submission of application MC/10/1876 Decision: Approved with conditions Decided: 17 March 2011
MC/10/1876	Construction of a single storey building to be used as changing room and club house Decision: Refused Decided: 21 July 2010
MC/09/2011	Construction of a synthetic training pitch with floodlighting, fencing and ground levelling works together with an extension to the car park area onto an amenity area to the south of the existing car park Decision: Approved with conditions Decided: 6 April 2010

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Sports England was also consulted.

**Four** letters of objection have been received from the public raising the following concerns:

- Increased traffic and parking problems in the area.
- Pedestrian safety concerns over the turnstile entrance.

It should be noted that the turnstile entrance was amended, and additional parking spaces were proposed after the applicants saw the objections.

**Eleven** letters of support have been received for the following reasons:

- Community sports pitches would be beneficial for locals regarding physical and mental health reasons.
- Opportunity for existing football clubs to expand.
- Better than the site being developed for housing.

**Sports England** have written to indicate that the development could meet the exemptions for development of the pitches. The Medway Playing Pitch Strategy published in October 2019 identifies a significant deficit for community pitches. Recently an application has been approved for a new 3G facility at the adjacent Anchorians site and further information is required that it is not duplicating this need or making them both unviable. Until the further information was received, an objection was raised.

The applicants provided further information including a usage plan and business plan. Sports England withdrew their objection as the additional information was sufficient that there would be no conflict between the application site and neighbouring 3G pitch at the Anchorians. Also, the business plan would be sufficient use from the facility partner club Holland and Blair FC. Conditions were requested that the pitches met FIFA quality concept for football turf, a maintenance management plan and a community use agreement. These conditions would be imposed if planning permission were to be granted.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The site is designated open space within Policy L3 of the Local Plan. The site is currently used as the home of Holland and Blair Football Club and Star Meadow Sports Club, the proposal would retain the football club onsite whilst also allowing the new pitch to operate as a community facility sports pitch.

Policy L3 will not allow the loss of existing formal open space and sports pitches unless the recreation facilities can be enhanced through the redevelopment of the site. Policy CF2 of the Local Plan allows new community facilities where it is of an appropriate size and scale, the development not having a detrimental impact on residential amenity, landscape or ecology and easily asked for a variety of means of transport. Paragraphs 11 and 99 of the NPPF promotes sustainable development and development should not take place on open space and sports land unless it either surplus to requirement or replaced by a better or equivalent provision.

The development is for alternative sports and recreation provision. A small area of open space will be utilised for the expansion of parking arrangements however the area for sports provision would be reproduced from existing grass to artificial pitch and

no objection to the part redevelopment of the open space as a result and the area is accessible by a variety of means of transport being located off the A2.

With regards to the wider impact on sporting provision The Medway Playing Pitch Strategy published in October 2019 identifies a significant deficit for community pitches within Medway. This proposal would help meet this target and would be considered a social benefit to the area. The applicant has provided a business plan and pitch usage which is sufficient that the pitch is needed and would be viable and not have a detrimental impact on the approved pitches at the adjacent Anchorians site so both sites would remain viable. Sports England have recommended a number of conditions to ensure the pitch meets certain standard so it can be used for its purpose, a management plan and a community use agreement to ensure it is compliant with the above-mentioned policies.

Subject to the above-mentioned conditions the principle of the use is considered to be acceptable subject to the detailed considerations included within the report below.

### *Design, Impact on trees*

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policies BNE43 of the Local Plan and paragraphs 131 of the NPPF seek to retain trees on development sites where possible.

The application seeks to change the existing grass pitch for an artificial one and provision of new dugouts and spectator areas. The proposed pitch is considered to be of an appropriate size and scale for the site and a condition is required to ensure it meets the correct FIFA standards to be used for its intended proposed.

The proposal would require a 4m high acoustic fence to protect neighbour's amenity from noise and also a further 2m netting for retain balls within the site. The acoustic fence would be larger than the existing boundary treatment. Within the original proposals this was located on the boundary of Rotary Gardens, which would have resulted in the loss of the trees on the boundary and the flats and car park to be dominated by this structure. The applicant has relocated the pitch further off this boundary sufficiently to allow the retention of the existing trees and submitted a tree report to demonstrate this. Although, the tree report indicates the existing trees can be retained, the ones on the Eastern Boundary have been assessed onsite and are in a poor condition tangled into the existing fencing and have been cut many times so they do not cause an obstruction and overhang the pitch. As a result, it is considered that it would be more appropriate to utilise the extra space on this boundary to create a new soft boundary to obscure the acoustic fencing. The plans show an indicative hedgerow and sporadically planted appropriate trees which would not cause issues with maintenance and overhanging the pitch. The proposed replacement is considered to be acceptable and would result in the opportunity to make a biodiversity gain on site as well as an improvement to the visual appearance of the site. However, it is noted that due to suitable planting seasons and the nature of the need to bring the pitch into use prior to a football season, there could be a period of time when the use will be undertaken and the landscaping provided, but the long-term benefits would outweigh



this short-term issue. A suitably worded landscaping condition including the details of the eastern boundary treatment, ground preparation prior to planting and future management strategy. Another condition to secure the tree protection measures within the tree report for the remaining retained trees would also be required.

Subject to the above condition. The application is therefore considered to comply with Policies BNE1 of the Local Plan and paragraphs 126, 130 and 131 of the NPPF subject to the recommended conditions.

### *Amenity*

By virtue of the nature of the existing use, proposed pitch and fence location there would not be any detrimental impact on neighbour amenity with regards to privacy, sunlight or daylight.

With regards to outlook, the proposal to remove the existing landscaping on the boundary with the properties within Rotary Gardens. The proposed plans seek to install a new hedge and more sympathetic tree planting which would soften the proposed acoustic fencing which are stepped further off the boundary than the existing fencing.

With regards to lighting, the scheme seeks to utilise the existing floodlighting approved in 2009 and there would be no detrimental impact on neighbouring residential occupiers.

With regards to noise the application has been supported by a noise impact assessment the details are sufficient that the proposed community use would not have a significantly detrimental impact subject to a condition to control the hours of proposed community use of the pitch and imposition of the mitigation measures proposed within the noise impact assessment. It is noted that the use of the proposed pitch for Holland and Blair Football Club matches would continue, and some fixtures would fall outside these hours, but this would not significantly differ from existing impacts on neighbours from the current use of the grass pitches and therefore not included within the restrictions. During construction there may be issues of noise and dust and a construction environment management plan would be required to be secured by condition.

The application is therefore in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

The applicants in response to objections have proposed to increase the parking area to the front resulting in an increase in 12 parking spaces. Concerns were also raised to the turnstile location which is now proposed to be relocated within the site to prevent queuing spreading out onto the pavements on Darland Avenue.

By virtue of the nature of the site its existing use, and proposed community facilities it is not considered that the development with the proposed additional parking spaces would have a detrimental impact on highway safety or its function.

Consequently, subject to condition to ensure the parking spaces are provided and retained, the application is considered to be in accordance with Policies T1 and T13 of the Local Plan and paragraph 111 of the NPPF.

### *SUDS*

The application has been supported by a Design, Access and Planning Statement and section 3.6 of the report indicates the site is situated within Flood Zone 1 'low risk' in accordance with Environment Agency mapping. Inspection of the British Geological Mapping indicates the presence of Seaford Chalk and the applicants have demonstrated with infiltration testing that infiltration should be acceptable on this site, however further testing will be required during the detailed design stage.

It is noted that the proposals seek to include granular aggregate within the base of the pitch inclusive of UPVC piping to carry the water to the new soakaway.

During the detailed design stage, the Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR. Micro Drainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and 1 in 100 year + 40% intensity climate change scenarios.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDs should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. A plan of the frequency of maintenance for each SuDs feature on site based on guidance in the CIRIA SuDs Manual as well as details of who will carrying out the maintenance would also be required by condition.

Subject to conditions for a final SUDs scheme, a verification report for its provision and a construction surface water management plan, it would be considered that the proposal is in accordance with paragraphs 167 and 169 of the NPPF.

### *Climate change and energy efficiency*

By the nature of the proposal, it does not raise any concerns regarding climate change or energy efficiency with the proposed retention of existing features where possible such as the floodlights. The application also proposes 8 cycle spaces to assist in promoting sustainable transport modes. The application is considered to be in accordance with paragraph 154 of the NPPF.

### *Local Finance Considerations*

There are no local finance considerations.

### **Conclusions and Reasons for Approval**

The proposal is considered acceptable in terms of principle, design impact on listed building and trees, amenity and highway aspects and with regard to all other material planning considerations. Subject to conditions the proposal accords with the

provisions of Policies, L3, CF2, BNE1, BNE2, BNE43, T1 and T13 of the Medway Local Plan 2003 and the advice in paragraphs 11, 99, 111, 126, 130, 131, 154, 167 and 169 of the NPPF. Accordingly, the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>