

PLANNING COMMITTEE – 9 NOVEMBER 2023**DEFERRED ITEMS**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO – 23/500263/REM			
APPLICATION PROPOSAL			
Approval of Reserved Matters for Scale, Appearance, Landscaping, Layout being sought for the Sittingbourne Rugby Club and Community Hub including, 2x RFU compliant rugby pitches and associated parking, pursuant to application 17/505711/HYBRID			
SITE LOCATION			
Land At Wises Lane Borden Kent ME10 1GD			
RECOMMENDATION			
Delegate to the Head of Planning to grant reserved matters approval subject to appropriate conditions with further delegation to the Head of Planning /Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.			
REASON FOR REFERRAL TO COMMITTEE			
Deferred item from Planning Committee dated 17 August 2023			
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Quinn Estates AGENT None	
DATE REGISTERED 30/01/2023	PUBLICITY EXPIRY DATE 30/10/2023	CASE OFFICER Simon Dunn-Lwin	

1. INTRODUCTION

1.1 This application was initially reported to Planning Committee on 17 August 2023 with a recommendation for approval. The Chair invited Members to consider the application and points raised included the following:

- Disappointed that the developer had not engaged with Borden Parish Council and local residents on the design of the proposed building;
- The proposed 65 parking spaces was not sufficient
- Concerned about the impact any floodlighting would have on local residents the report was not clear and lots of information was missing so

- could not make a decision;
 - Only three toilets were proposed, that would not be enough;
 - Concerned about the proposed access;
 - Swale in desperate need of sports facilities;
 - Welcomed the application which would support the physical and mental wellbeing of residents;
- 1.2 Following the Planning Committee resolved to defer the application the committee minutes confirm the following resolution:
- Resolved: That application 23/500263/REM be deferred to allow responses to questions and concerns raised with regard to the following: proposed parking spaces; adequate coach turning and suitable modifications to Cryalls Lane; external lighting; the proposed number of toilets; improvements to the design of the building so it was more in-keeping with the local area; and disabled parking.*
- 1.3 In addition to the deferral a review of the relevant sections of the original report and conditions has been undertaken in light of comments made during the discussion at the August Planning Committee.
- 1.4 The original Committee Report is attached to this report as Appendix A.

2. ADDITIONAL INFORMATION

- 2.1 Since the August committee meeting, the applicant has provided the following information:
- An updated design.
 - Updated site layout plan.
 - Updated car parking plan with tracking diagram for a coach
 - Updated landscaping plan
 - Response to the specific comments made at the planning committee.

3. CONSULTATIONS

- 3.1 A second round of consultation has been undertaken with local residents, Borden Parish Council and KCC Highways on the amended plans since the committee meeting in August. Members are asked to note that the applicant engaged with Borden PC in a meeting on 2nd October.
- 3.2 Borden Parish Council – 20 October 2023
- 3.3 Borden Parish Council provide the following comments which are reproduced in full below: -.

“At their meeting on 19th October, Borden Parish Council resolved to write to Quinn’s and if the below points are accepted and Quinn’s application reflects those points, then the Parish Council does not object.

- *The floor covering for the public area and toilets is clearly discernible as different to the changing rooms’*

- *The light overspill is subject to a separate planning condition following the advice of a lighting expert.*
- *The planning department is confident that the sound and lighting conditions will result in no detrimental impact to the flora, fauna and protected species within the Nature Reserve.*
- *The Vertical cladding option is used.*
- *The 11 extra parking spaces are added.*
- *The enhanced landscaping to soften the visual impact is included.”*

(Officer response: The applicant has confirmed agreement to the requests which are covered below. Borden Parish response is available on the Council's web site)

3.4 KCC Highways – 02 May 2023

3.5 KCC Highways have assessed the amended proposals and have advised the following:

Following comments provided by Highways on 3rd March 2023, the applicant has provided an updated site layout plan which seeks to increase the number of parking spaces provided for the rugby club facility. It is appreciated that the spaces allocated already fell within the recommended parking allocation and therefore is deemed satisfactory.

I am satisfied the amendments have addressed previous concerns raised and raise no objections on behalf of the local highway authority for the approval of this reserved matters application provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority: -

- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plan 21/100/002REVC prior to the use of the site commencing.*
- *Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plan 21/100/002REVC prior to the use of the site commencing.*

4. REPRESENTATIONS

4.1 A further round of full neighbor consultation has been carried out and with those who made previous representation. A total of 11 replies have been received to date which raise the same concerns reported to the committee in August and the Tabled Update. One specific additional concern raised is summarised below: -

- Floodlighting and temporary floodlighting will adversely impact on the Borden Nature Reserve

(Officer response: This issue is covered at paragraph 3.3 to this Report)

- 4.2 RESPONSE TO DEFERRAL ISSUES The reasons for deferral are addressed below which responds to the points, including Borden Parish Council's latest comments.

Parking

- 4.3 The car parking layout has been revised upwards by 11 spaces to provide a total of 76 spaces. This includes 72 marked bays and 4 additional spaces in the proposed layby.
- 4.4 Members are asked to note that the original proposal was compliant with the Council's Parking SPD 2009 as referred in paragraph 7.9.8 of the original committee report. The uplift of 11 spaces to 76 in total is considered adequate and address the requirements for the dual use of the facility. KCC highways have no objection to the parking provision or access arrangements, including widening Cryalls Lane to 5.5m to enable access for cars and a coach to the facility. Vehicle tracking diagrams demonstrate a coach can enter and leave the site in forward gear. In view of the above, the proposal is considered compliant with Policies DM 6 and DM7 of the adopted Swale Local Plan, and the NPPF

Floodlighting

- 4.5 The previous Tabled Update at the August committee clarified that no floodlighting is proposed for the pitches. Condition 43 of the Hybrid permission (appeal decision) prevents 'illumination' of the rugby pitches. The condition can be enforced via a breach of condition notice (BCN) should a breach occur and it be expedient to so. The applicant has reconfirmed that there will be no floodlighting to the pitches. The applicant have confirmed the following times for matches: -

September to October, March and April is 3pm to 4.45pm

November to February is 2.30pm to 4.15pm

December to January is 2.25pm to 4pm

Sundays for Juniors are between 10am and 1pm.

- 4.6 The building will have internal illumination and the car parking areas will be externally lit for safety and security. The external lighting strategy to the car park is subject to a recommended condition for further approval. The lighting strategy will be subject to the advice of lighting engineers and assessed by the Council's Environmental Health Service for light spill.
- 4.7 With the safeguards and conditions in place for lighting and plant noise, it is considered that there should be no detriment to neighbours or the Borden Nature Reserve.

Ecological Impact and Borden nature Reserve

- 4.8 KCC Ecology confirmed the acceptance of the scheme as summarised in paragraph 7.8 of the August committee report. The Council's Tree/Landscape officer also confirms acceptance of the landscaping scheme. Habitats within

the application boundary are dominated by intensively farmed arable land, with hedgerows at the boundaries to be largely retained, aside from a 15m section to provide the main access from Cryalls Lane, the remainder would have new hedgerows to a depth of approximately 5 to 6m in width with extensive tree planting of 111 trees around the perimeter of the site as set out in paragraph 7.7.2 of the original committee report.

- 4.9 It is considered that the proposed landscaping scheme would provide sufficient containment of the rugby pitches and the community hub to mitigate the impact on the local landscape and Borden Nature Reserve. With the planting of native species, it would and provide additional natural habitat for local wildlife.

Design

- 4.10 The outline planning permission provides for a non-residential building of up to 2 storeys in height for the rugby club/community building.
- 4.11 The outline application included indicative images of a mono-pitched roof building, with balcony over-looking the pitches and this design approach has been taken for the application – in particular because of the importance of providing balcony space to the first floor community space to increase its usability and provide an area to view matches from.
- 4.12 The s106 sets out specific requirements for the building that must be met, for both changing facilities and the community space whilst the maximum floor area of the building is set out within the description of development. As such, the design of the building has to work within clear parameters and guidelines that largely dictate the footprint and form, including requiring a lift to access the first floor to ensure access is available for all.
- 4.13 Following feedback from the committee the design of the building has been amended to respond to comments made. In particular:
- the standing seam elevational treatment at the rear elevation has been replaced with vertical timber to provide a softer and more natural finish to the building. To further break up the elevations brick detailing such as a soldier course has been introduced under the vertical timber and vertical stacked brick replaces the vertical timber panels. On the side elevations, the vertical timber wraps partially around.
 - The standing seam on the sides is further broken up by an additional window) with vertical timber above the window.
 - At ground floor timber stacked brick panels have been introduced.
 - The colour of the roof material has been lightened.
- 4.14 The brick has been revised to a lighter buff brick colour. The vertical cladding to the rear would resemble an agricultural barn when viewed from Wises Lane. The applicant has engaged with Borden PC on the revised design which been

accepted as confirmed by Borden PC.

- 4.15 Additional landscaping has also been included to soften the appearance of the building at the request of Borden PC. This is reflected in the updated design of the building and amended landscaping proposal.

Toilet Facilities

- 4.16 Concern has been raised that there is insufficient WCs for the community hub. The applicant has clarified that the building has been carefully designed to meet the outline planning permission, S106 requirements, Sport England and RFU standards. At first floor, within the communal area there are 2 WCs, one of which has a baby change unit and is wheelchair accessible.
- 4.17 At the ground floor there is a further wheelchair accessible WC that is within the entrance/circulation/stair core area and considered accessible at all times. This will also be fitted with a baby change unit to avoid the need to use the lift and access the first floor for those with a baby/small child. In addition to these 3 WCs there are further WCs associated with but separate from the changing rooms.
- 4.18 There is a total of a further 11 WCs (including a disabled WC) on the ground floor (excluding the two WCs in the official changing rooms) in close proximity to the main stair/lift core. These are fully accessible and separate from the changing rooms. The Management Committee under the CUA would define when these facilities are available, depending upon the booking and use of the site.
- 4.19 The applicant also points out that the HSE advise that within a workplace of between 26-50 people being present at any one time 3 toilets and 3 washbasins are needed. For between 51-75 people present 4 toilets and 4 washbasins are needed, and for between 76-100 present people 5 toilets and 5 washbasins are needed. As such, there are more than sufficient toilet facilities within the building (13 WCs, plus the 2 in official changing rooms) to cater for any event taking place.

5 CONCLUSION

- 5.1 The submitted amendments and additional information since August 2023 demonstrate that the reserved matters are considered acceptable and that the initial recommendation for approval remains relevant. Based on the amended scheme, which has been subject to further community consultation, the proposal is considered acceptable.
- 5.2 The application is therefore recommended for APPROVAL subject to the following conditions.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with

the following approved plans:

21.048-002 Rev B Site Location Plan
21.048-150 -Cycle Storage Details
21.048-010 Rev K Proposed Site Layout Plan
21-100-001 Rev B - Site Access and Tracking Diagram
21-100-002 Rev C - Internal Layout and Tracking Diagram
30625A-10-P4 - Proposed Floor Plans and Elevations (Vertical Cladding)
7796.LP.1.0 Rev B – Landscape Plan

Reason: For clarity and in the interests of proper planning.

2. Prior to the construction of the development above ground details of all external finishing materials, including roofing materials and window systems, including reveals, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To secure and appropriate design and finish to the development in the interests of the visual amenities of the area.

3. The landscaping scheme and planting specification shown on drawing nos. 7796.LP.1.0 Rev B shall be carried out within 12 months of the completion of the development and maintained in accordance with the Landscape Management Plan by Aspect Landscape Planning dated November 2021 (Ref: 7796.Lan. Man.001). Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policy DM14 of the Local Plan 2017.

4. The scheme for parking indicated on the submitted plan 21/100/002 REV C shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and to comply with the National Planning Policy Framework.

5. No part of the development shall be occupied until an area has been laid out within the site for vehicle loading/unloading and turning facilities as shown on the submitted plan 21/100/002 REV C and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and to comply with the National Planning

Policy Framework.

6. Prior to the occupation of the development, a management plan covering the entirety of the operation shall be submitted for approval to the local planning authority. The plan shall include but not be limited to hours of operation and delivery, control of noise from plant and machinery, noise from internal and external activities. The plan should include procedures for response to complaints from residents or the local authority. It should include a review mechanism in response to justified complaints. Once approved the plan shall be implemented to the satisfaction of the local planning authority.

Reason: To safeguard the living conditions of existing and proposed residential neighbours to comply with Policy DM 14 of the Local Plan.

7. No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained, and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To safeguard the living conditions of residential neighbours and biodiversity to comply with Policies DM 14 and DM 28 of the Local Plan.

8. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
 - a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that the development does not contribute to, or is not

put at unacceptable risk from, or adversely affected by, unacceptable levels of ground or water pollution from previously unidentified contamination sources at the development site.

9. No works on the rugby pitches shall commence [or other specified time period] until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before first occupation of the the clubhouse/community building. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy DM 17.

10. No works on the rugby pitches shall commence until a schedule of playing field maintenance including a programme for implementation for a minimum period of five years starting from the commencement of use of the rugby pitches has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the rugby pitches the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy DM17.

11. Prior to the use hereby permitted commencing, details of active electric vehicle charging points, to serve 8 car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first public use of the building and maintained thereafter.

Reason: In the interests of sustainable development to comply with Policy DM 19.

INFORMATIVES

Building Regulations

1. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW.

Highways

2. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
3. 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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
4. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
5. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
6. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.
7. Guidance for applicants, including information about how to clarify the

highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

8. Approved electric charger models for homeowners are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Construction Environmental Management Plan

9. As the development involves construction the applicant is advised to take account of the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

Sewers

10. The sewers services at this location are the responsibility of ICOSA There is an inset agreement/NAV agreement in place between Southern Water and ICOSA for the supply of sewerage services. The connection/ discharge points to the public network and agreed discharge flow rates must be complied with inset/NAV agreements terms. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. The applicant amended the proposal and engaged with the community in response to the committee requests..

The application was considered by the Planning Committee where the applicant/agent also had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

