

**Application No:** Y18/1617/FH

**Location of Site:** Three Hills Sports Park, Cheriton Road, Folkestone

**Development:** Installation of athletics running track and field events sports facility, pavilion and associated parking together with the relocation of dog walking facility.

**Applicant:** Folkestone Running Club

**Agent:** Guy Hollaway Architects  
The Tramway Stables  
Rampart Road  
Hythe

**Date Valid:** 24.12.18

**Expiry Date:** 25.03.19

**PEA Date:** 27.09.19

**Date of Committee:** 24.09.19

**Officer Contact:** Louise Daniels

## SUMMARY

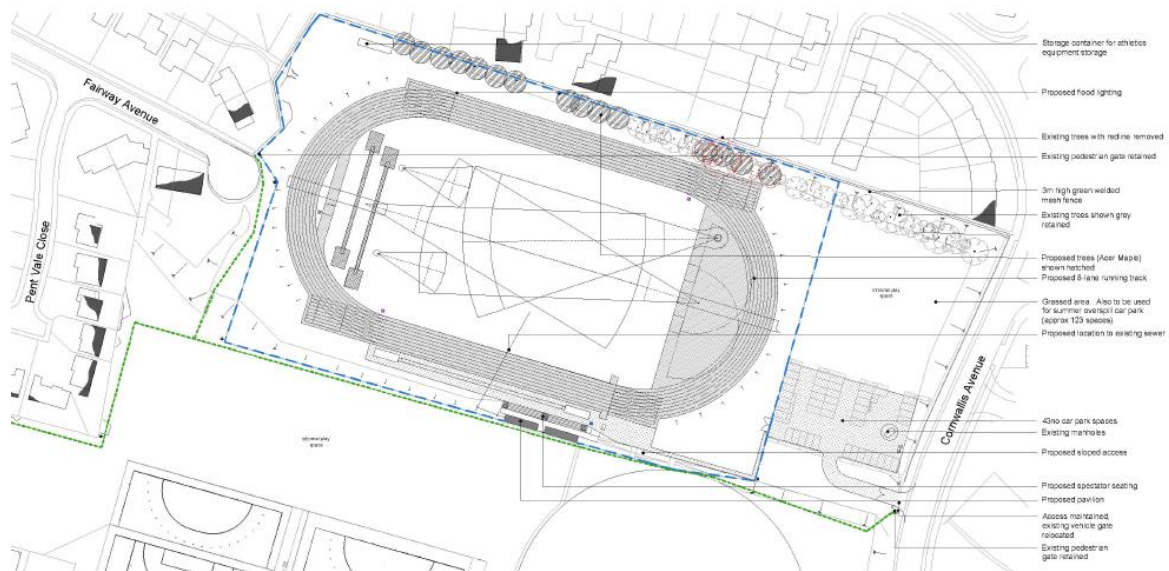
The report recommends that planning permission be granted for the construction of a sporting facility, which would contribute to the health and well-being of the local community, without detriment to the visual amenity of the area, the residential amenity of nearby properties, ecology, increased flooding/surface water flooding or compromise to highway safety.

**RECOMMENDATION:** That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

## 1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the construction of an athletics running track with a central field events sports facility. The total site area would comprise an area of 20,690sqm.
- 1.2 The layout of the running track and field events has been informed by the design guidance from the International Association of Athletics Federations (IAAF) and UK Athletics, and in conjunction with the Folkestone Running Club and Three Hills Sports Park. The 400m running track would accommodate 8 running lanes, with two 100m straights and the surface would be a red rubber finish with a grass centre.
- 1.3 The field events that could be located within the running track include:

- 2 x pole vaults
  - 2 x javelin
  - Water jump
  - 2 x shot put
  - 2 high jumps
  - Discus and hammer throw
  - A double ended triple and long jump to the south of the running track
- 1.4 The facility would be provided as part of the wider Three Hills Sports Park facility, an important and well used community facility, which promotes sport excellence and health benefits to users of all ages. A pedestrian footpath would link the track to the existing Three Hills facility.
  - 1.5 To the south of the running track, a new pavilion is proposed. The pavilion would be constructed from two converted 40ft shipping containers and would house changing facilities, WCs and a café/kitchenette. The pavilion would be clad with diagonal larch timber on all elevations, including the doors. The pavilion would be 2.6m to the highest point. This includes a minor (20cm) increase in height secured by officers to reduce the likelihood of people climbing onto the roof of the containers in the interests of safety and security. The site is secured by a 2.3m green welded mesh fence which surrounds the site and connects to the eastern and western ends of the pavilion.
  - 1.6 One of the containers (the eastern container) would have a large sliding glazed doors which would face out onto the running track and would be 9.4m in width. The pavilion's glazed doors would be secured when not in use by a sliding timber security shutter.
  - 1.7 To the rear of the containers hedging is proposed and matching larch fencing joining the two containers together to provide security.
  - 1.8 To the north of the pavilion would be 156 spectator seating constructed in concrete and incorporated into an existing embankment, utilising the level changes. The pavilion's position at the top of the bank would provide views across the track, field and finishing line.
  - 1.9 The pavilion would have an accessible WC accessed via an external door, allowing athletes and spectators to utilise the facility. Both pavilion containers would have level access. A sloped access from the lower level of the track up to the pavilion and beyond to Three Hills would be located to the east of the pavilion. Stepped access between the track and pavilion would be incorporated into the spectator seating. A secondary set of steps is proposed to the western end of the existing slope, which would connect the west end of the lower site (outside of the track area) to the main part of Three Hills.
  - 1.10 An additional container would be used as a storage unit and located to the north-west area of the site for the storage of athletic apparatus.
  - 1.11 Please see Figure 1 for an plan of the layout.



(Figure 1)

1.12 As seen in Figure 1, the associated parking to serve the athletics facility would be located to the east of the track and would be accessed via an existing vehicular access on Cornwallis Avenue. An overspill parking area is also proposed which would be used for summer athletics events. A total of 43 car parking spaces are proposed for day to day use by the stadium, 3 of which would be accessible parking spaces. An existing bus stand demarcated on Cornwallis Avenue is proposed to be used as a drop off location for coaches that may visit the proposed track for competition events

1.13 To facilitate the proposals, the existing dog walking facility located on the site would be re-located to the western part of the existing Three Hill Sports Park, on a comparative area of land of 6400sqm. Fencing would separate the dog walking area from the Three Hills Sports Park with gates either end of the dog walking facility to allow for access. The area would be bordered by fences to the rear residential gardens on Cherry Garden Avenue.

1.14 Dog walkers and pedestrians walking through the site would gain access through the site via a number of gates:

- Via the existing gate from the end of Fairway Avenue
- Via the existing gate on Cornwallis Avenue
- Via the existing access on Cherry Garden Avenue

1.15 The footpath to the north of the site connecting Cornwallis Avenue and Fairway Avenue would be retained. Some of the trees adjacent to this footpath would need to be removed to facilitate re-grading to accommodate the running track with replacement planting proposed along this boundary.

1.16 The submitted Supporting Statement sets out that the proposed athletics facility is the culmination of over ten years' work to develop the Three Hills site into a centre of excellence for sport between the Roger De Haan Charitable Trust (RDHCT), the Cheriton Road Sports Ground Trust (CRSGT) and Folkestone and Hythe District Council.

- 1.17 The Supporting Statement further states that “The Shepway Sports Trust (SST) is a not-for-profit sports charity that was set up in 2013 by the RDHCT with an objective to increase opportunities for everyone in the District to participate in sport and lead healthy and active lifestyles. The Trust now works with hundreds of partners across schools, including a school charter, community groups and clubs. The trust operate from the existing Three Hills Sports Park facility and would work closely with the running and athletics club to develop and introduce all local schools and organisations through their partnership agreement to the track and utilise the opportunities it provides for the District”.
- 1.18 The submitted Supporting Statement sets out the following in regards to the Folkestone Running Club which is important to note in full:

*“Whilst the proposed track will not be limited only to the use of Folkestone Running Club, the Club are very supportive of investment in athletics facilities and acknowledge that this would provide significant benefits for the district. The club has a membership of over 300 athletes (125 seniors and 175 juniors) with a waiting list of juniors who the club are unable to take on due to the lack of facilities available. In the winter months, for health and safety purposes, the junior section utilise the indoor sports hall at The Three Hills Sports Park and during summer use the outfield of one existing cricket pitches. Training sessions for the senior section of the club comprise a mix of road running and speed sessions around the boundary of the cricket pitch, although this can become particularly difficult during winter months when the cricket pitch becomes waterlogged and due to the lack of artificial lighting.*

*As a result, the Folkestone Running Club faces the following limitations:*

- Inability to offer field events or track training resulting in the loss of athletes to other districts;*
- Junior athletics Sports Hall sessions take place two to three evenings a week in the sports hall at the Three Hills Sports Park. Due to the size restrictions of the hall and the number of clubs wishing to use the sports hall, this limits membership numbers. This is made worse by the fact that junior members are unable to join the senior section for safety reasons;*
- During the winter months training sessions for seniors are dependent on weather conditions. During heavy rainfall, the boundary of the cricket pitch which is used as an ‘informal’ track, becomes unusable for speed sessions. This is in addition to the lack of artificial lighting which can pose health and safety concerns for runners.*

*The provision of the proposed athletics facility would enable the club to train on a year-round basis in a safe and controlled environment. This is in addition to the obvious benefits the development would bring in terms of track and field facilities and the opportunity to host athletics events for schools, local clubs and clubs further afield.*

*In this respect, it is highlighted that the club have already undertaken a number of training programmes in order to 'upskill' their volunteers and coaches and provide multi-disciplinary coaches, timekeepers and judges in preparation for the new facility.*

- 1.19 The application is accompanied by a Flood Risk Assessment (FRA), Noise Impact Assessment, Archaeological Desk Based Assessment, LED Sports Floodlighting Calculations, non-technical Lighting Summary, Transport Statement, Design and Access Statement, Athletic Track Background to Project Statement and a Supporting Statement.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- Inside settlement boundary
- Flood risk zone 3
- Public bridleway to the north
- Within an area of archaeological potential
- Outdoor Sports facilities area within the Council's Open Space Audit

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The application site (Figure 2) is located to the northern part of land connected to the Three Hills Sports Park. The site is grassed and is currently part used as a dog walking facility (6400sqm) and also a playing field of 19630sqm with an area used for football practice. The site is largely flat with a level change of approximately 2.5m high to the south of the site leading towards the Three Hills Sports Pavilion.
- 3.2 Cornwallis Avenue borders the site to the east, a public bridleway with residential dwellings behind borders the site to the north which is higher than the dog walking facility and the grass pitches with a steep bank between with a tree line. To the west are the residential dwellings of Fairway Avenue.
- 3.3 The Pent Stream runs to the west and east of the site and is culverted beneath the application site.



**(Figure 2)**

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 The Three Hills sports pavilion and sports hall was approved in 2010 under reference Y10/0075/SH together with the reconfiguration of the car park following removal of the existing cricket pavilion, construction of 2 all-terrain pitches (ATP), 2 outdoor netball courts and 1 Multi Use Games Area (MUGA), refurbishment of cricket stands, construction of cricket nets and other associated operational development, landscaping and external works.

4.2 A number of planning applications followed the 2010 application and were approved:

- Y12/0201/SH Erection of building to provide an equipment storage facility for Cheriton Road Sports Ground and an Ambulance Community Response Post.
- Y13/1006/SH Construction of a new external Artificial Turf Pitch (ATP) with perimeter ball-stop fencing and floodlighting, together with access and outdoor storage for maintenance equipment.
- Y16/0346/SH Enclosure of part of the existing south balcony to the main pavilion to form an extended seating areas to the members bar and the provision of a single-storey lean-to storage extension to the north side of the sports hall.
- Y17/1379/SH - Erection of spectator stands.

## 5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website:  
[http://beta.folkestone-hythe.gov.uk/lq/dialog.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lq.Planning&ref\\_no=Y18/1617/FH&viewdocs=true](http://beta.folkestone-hythe.gov.uk/lq/dialog.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lq.Planning&ref_no=Y18/1617/FH&viewdocs=true).

Responses are summarised below.

- 5.2 Folkestone Town Council  
*Comments dated 14.02.19*

Support provided flood lights are adequately screened from William Avenue.

*Comments dated 18.07.19.*

Previously supported as members did not feel they could oppose a new facility that improved sporting opportunities so much for Folkestone people however, local councillors were concerned about the 8 floodlights that would bound the new track regarding their brightness/diffusion and times of illumination, the sound systems, covering up of the Pent Stream, loss of football pitches, and tree removal stating that any tree replanting must be as mature as possible in view of the proposed new fencing and floodlighting.

*Comments dated 29.08.19*

Support as a valuable facility, provided flood lights are adequately screened from William Avenue direction and there is a planning condition to guarantee a 9pm switch off of flood lights and public address system. The committee has been assured that the latest floodlight technology will be used: OptiVision LED floodlights.

- 5.3 Sport England  
*Comments dated 15.03.19*

Object. The proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years. The proposal would involve the loss of two existing grass football pitches.

Kent FR & Football Foundation, on behalf of the FA object to the loss of the 2 existing grass pitches, but the existing 3G should be able to host mini-soccer fixtures, in line with the usage programme submitted to Football Foundation when the 3G was funded. Unless the applicant can demonstrate the need for the additional mini-soccer pitches and that the existing grass pitches are surplus to requirements and also show how the existing youth/adult teams can be accommodated on the 3G at an agreeable pricing policy, we cannot support this application.

Sport England therefore objects as the application is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF

*Comments dated 02.08.19*

Since the statutory objection on 15.03.19, detailed discussions with England Athletics and the applicants have taken place. Whilst there is still some work to be done with the applicants and England Athletics, Sport England are confident on the financial sustainability of the project. Regarding the loss of the football pitches, the applicants are working with the County FA and the team which is impacted to relocate them to another site. This would have been easier if the Playing Pitch Strategy (PPS) was up to date however Sport England are confident that a suitable solution will be found. If this work had been done, Sport England would have been in a position to withdraw its objection and confirm the application met its E5 planning policy exception and the NPPF paragraph 97. However, as this time Sport England unfortunately has to maintain a technical objection to this application despite its obvious merits and benefits to the local residents of Folkestone.

*Comments dated 09.09.19*

Withdraws objection and supports application. A site has been put forward as an alternative site for Folkestone Invicta Youth FC to use - Morehall Recreation ground located a 5 minute-walk/350m to the west from Three Hills Sports Park (THSP) across Cherry Garden Avenue. This site contains 2 kick around areas and was not included in the Playing Pitch Strategy as being used by the community and therefore was not counted in the overall supply figures. The current area where the goal posts are located is in poor condition and would need to be improved before Folkestone Invicta Youth FC could play on it in their league games.

Regarding facilities, such as changing, the distance from the pitches from the existing changing accommodation at Three Hills is no greater than at a number of sites around the country. Emerging guidance from the FA for recreational football is going to suggest the minimum requirement for some sites, parks, and recreation grounds will be the provision of toilets.

The applicants have appraised the site as to what would be needed to bring the site up to standard for league games. They have also met with Andy Blaszkowicz, Assistant Director - Environment & Corporate Assets of FHDC. In an email dated 28th August 2019, he states that subject to the Folkestone Parks and Pleasure Grounds charity (the owners of the site) granting their consent, he sees no reason for the recreation ground to have the required improvements and toilet provision. These would be provided by the applicant.

As such, Sport England considers that the proposal broadly meets Sport England's planning expectation policies E4 and E5 and now wishes to register support for the application subject to a planning condition to ensure the two pitches at Morehall Recreation Ground are delivered.

## 5.4 Environment Agency

*Comments 24.04.19*

Object as the proposal fails the second part of the flood risk exception test as it may increase flood risk elsewhere and building over the existing culvert



because of health and safety considerations, increased maintenance costs and because this would preclude future options to restore the watercourse and create floodplain storage.

*Comments 27.06.19*

No objection subject to conditions requiring site levelling to be carried out in accordance with cross sections by Herrington Consulting Ltd and a pre-commencement and post-completion survey of the culvert beneath the development with any defects being identified and repaired to the EA satisfaction.

## 5.5 Southern Water

*Comments dated 11.02.19*

The development lies over or within a clearance distance of the public critical combined and surface water sewer, which is not acceptable. If the application is approved, the applicant should produce a suitable layout maintaining the statutory clearance distance for public sewers (5m either side of the centreline of the public combined trunk sewer).

*Comments dated 11.04.19*

Development would be acceptable providing the application enters into a sewer protection agreement and also provides unimpeded access to the critical sewers/manholes crossing the site as well as access to the 20m deep manhole chamber located in the proposed carpark.

## 5.6 KCC Flood and Water Management

*Comments dated 11.04.19*

It should be ensured that any infiltration only occurs within uncontaminated natural ground as part of detailed design. It should be noted that a culverted main river crosses the site, the EA should be consulted regarding the acceptability of the development over this culvert.

Any work in, under, over or within 8m of the banks of a designated main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). If permission is granted, recommend conditions for a sustainable surface water drainage scheme and a verification report to be submitted to the LPA.

## 5.7 KCC Highways and Transportation

*Comments dated 23.01.19*

No objection subject to conditions. A total of 43 car parking spaces are proposed for day to day use by the stadium. This far exceeds the required number of parking spaces required under SPG4: Kent Parking Standards, of which the requirement is 1 space per 10 seats. 123 overspill parking spaces are provided for competitions in the summer when teams from local athletic clubs will come to compete at the running track. There is no set standard for these events but the number of parking spaces provided is similar to the next nearest athletics stadium, which is the Julie Rose Stadium in Ashford. 6 cycle parking spaces are proposed to encourage participants to access the site via bicycle.

The proposed access provides more than adequate visibility splays for the 30mph speed limit on Cornwallis Avenue.

A coach stand is available on Cornwallis Avenue in which coaches can wait whilst participants are competing at the running track. This provides spaces for 2 coaches to be parked.

No objection subject to conditions requiring a construction management plan and measures to prevent the discharge of surface water from the access onto the public highway to be submitted to the LPA, and conditions to ensure the vehicle and motorcycle parking spaces, electric charging bays and turning space, 6 covered cycle parking spaces, completion and maintenance of access and visibility splays are provided.

## 5.8 KCC Ecology

*Comments dated 10.04.19*

No objection subject to conditions requiring a method statement and a lighting design strategy for biodiversity to be submitted to the LPA.

The site appears to be regularly mown grassland, which provide limited foraging/resting habitat for protected/notable species. As such, there is no requirement for an ecological scoping survey to be carried out but recommend that a precautionary mitigation approach is carried out to minimise the potential for the works to result in the killing/injuring or protected/notable species.

## 5.9 Environmental Health

*Comments dated 13.06.19*

No objection. Environmental Health accepts the findings of the noise impact assessment dated March 2019. However, section 5.3 should be highlighted, where consideration is given in terms of the selection of both the portable PA system and the electronic starter pistol system to be used on site.

Environmental Health accepts the findings of the LED sports floodlighting report. External lighting must be automatically turned off by 21:15hrs with one off events restricted to 3 events a year unless written consent is given by the LPA.

Any new lighting installation must confirm with the Institution of lightning Engineers – Guidance notes for reduction of obtrusive light as instructed within the non-technical summary of proposed sports lighting. All mitigation within this report must also be adopted.

## 5.10 Arboricultural Manager

No objection.

## 6.0 PUBLICITY

6.1 78 neighbours notified by letter. Expiry date 29.08.19

6.2 Site Notice. Expiry date 04.03.19

6.3 Press Notice. Expiry date 21.02.19

## 7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website [http://beta.folkestone-hythe.gov.uk/ig/dialog.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lg.Planning&ref\\_no=Y18/1617/FH&viewdocs=true](http://beta.folkestone-hythe.gov.uk/ig/dialog.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning&ref_no=Y18/1617/FH&viewdocs=true). Responses are summarised below.

### Objections

7.2 21 letters/emails received objecting on the following grounds:

- Loss of football pitches with no replacement provided.
- Noise impacts and loss of privacy to neighbouring residents from the loud-speakers and spectator stands.
- The long hours of use proposed would cause disruption to neighbouring residents and should be reduced.
- The lighting report shows light spillage onto the neighbouring properties which would have a detrimental impact upon amenity and on biodiversity.
- The dog walking facility is used by many people and noise does not currently disturb neighbouring properties due to the location whereas the new location will require people to walk across playing pitches and informal recreation space or past neighbouring properties to access the new location.
- Some people may stop using the dog walking facility as it will be less conveniently located and further away with no footpaths proposed between Fairway Avenue and the dog run, limiting access for disabled people.
- New dog walking facility would have no shade and poor access from Cherry Garden Avenue with a lack of parking, leading to highway impacts.
- New boundary fence, which will be required to prevent damage to property, will create a catchment area for rubbish and litter.
- Other areas within the district are starved of meaningful sport provision.
- The Julie Rose Stadium is not too far away to travel to, 30 minutes drive from Folkestone and Dover and has spare capacity.
- Impact of development in a flood zone and sequential test should be carried out.
- Removal of trees to the north is unacceptable and the replacement slow growing, deciduous, Acer Maple trees do not cover the loss of the existing trees.
- Recreation space will be lost to the benefit of a few athletes who do not live in the vicinity.
- Security fencing will be unattractive.
- Negative impact upon parking in the area and detrimental impact upon highway safety.
- The record of football pitch use on this site is wrongly recorded.

- The facility is being squeezed into a site that is not large enough therefore proper landscaping cannot be provided.
- If more than 2 coaches are required to park where will this be?
- Highway safety, the entrance to the overflow car park would be opposite the proposed cul-de-sac of houses on Folkestone Sports Centre golf course.
- Antisocial behaviour concerns.
- Pedestrian crossing should be provided on Cherry garden Avenue.
- Local Sports Strategy document states there is no need in Folkestone.

### Support

7.3 18 letters/emails received in support raising the following points:

- Folkestone Junior Running Club would benefit from having state of the art facilities
- Travelling to the Julie Rose Stadium on a regular basis is difficult or not achievable for some.
- A facility in Folkestone would be more sustainable, with a positive impact upon the environment.
- Attachments to lighting can make it more directional.
- The alternative dog walking location is greatly received as this could easily have been removed and not replaced.
- The new dog walking facility will be closer to the existing light so dogs could be walked at night unlike the current site.
- It would make such a difference to the lives of children and young people of Folkestone.
- A running track would benefit the whole community not just athletics. Local schools, clubs and general public would benefit.
- Only town in Kent to not have a track, disadvantage when competing in the Kent league.
- Children in athletics should be supported as it can cross the financial divide and does not require parents to buy lots of expensive equipment; children can run, jump and throw regardless of their background but when they show promise and wish to develop this can only be done on a track.

7.4 Throughout the assessment of this application, a 'Change.org' petition has been running online to gauge support for the Athletics track. This has accumulated circa 745 signatures and is still being frequently shared by members of the public, local sporting clubs, athletes and community bodies.

## **8.0 RELEVANT POLICY GUIDANCE**

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE16, CO11, TR5, TR6, TR11, TR12, LR4

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3.

- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:  
HB1, C3, T2, NE2, NE5, HW3, HE2, CC3
- 8.5 The following Supplementary Planning Documents apply:  
Playing Pitch Strategy (PPS) June 2018  
Sports Facility Strategy (SFS) May 2018
- 8.6 The following paragraphs of the National Planning Policy Framework (NPPF) 2018 apply:  
Section 2 – Achieving sustainable development  
Section 8 – Promoting healthy and safe communities

## 9.0 APPRAISAL

### Relevant Material Planning Considerations

- 9.1 The main material considerations in the determination of this application are:
- a) the need for this facility,
  - b) impact of the loss of two grass football pitches,
  - c) impacts upon neighbouring amenity,
  - d) design and visual appearance,
  - e) flood risk,
  - f) highways and transportation matters
  - g) whether adequate mitigation is proposed to address any adverse impacts.

#### a) Need for the Facility

- 9.2 The NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities (paragraph 96).
- 9.3 Paragraph 8 states that the purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets a presumption in favour of sustainable development with three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- a) Economic objectives – to help build a strong, responsive and competitive economy to support growth, innovation and improved productivity;
  - b) Social objectives – to support strong, vibrant and healthy communities by fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;
  - c) Environmental objectives – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land.

- 9.4 The Council's Sports Facility Strategy (SFS), assessed the needs and opportunities for indoor and outdoor sports facilities and future need for provision, driven by increased populations and was required to identify any gaps in the existing facilities. The sports facilities included in this strategy include; sports halls, swimming pools, health and fitness facilities, squash courts, indoor and outdoor tennis facilities, indoor and outdoor bowls facilities, athletics tracks, water sports centres, village and community halls.
- 9.5 The SFS states that "Population growth of 17.2% in Shepway [now Folkestone and Hythe District Council] by 2037 is likely to increase demand for athletics track capacity by a similar amount..." (paragraph 11.11). This would be dependent on the level of infrastructure available to existing and future athletes and therefore the delivery of this facility will assist in maintaining participation levels. Although the report goes on to state that "spare capacity at the existing tracks in Ashford and Canterbury should be able to accommodate all additional future demand" (paragraph 11.13.2). The policy position is that there is no need for the Development Plan to make land allocations for a new facility when plan making. The policy does not however preclude others bring forward such facilities subject to assessment of the impact of such a development. The conclusions of the SFS are therefore not considered to justify a reason for refusal on need grounds. The SFS acknowledges that notwithstanding the running club activity in Folkestone & Hythe, all use of specialist facilities by district residents is displaced to neighbouring areas as there are no facilities available in the District. This encourages unsustainable travel. This displacement is in contradiction to paragraph 8 of the NPPF which seeks for accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.6 The Council's SFS states that athletics is a minority sport. However, contrary to this, the Sport England Active People Survey (2016) reports that athletics is the second highest participation sport in the country behind swimming. There has been a decline in participation but whether this is due to the lack of investment in the appropriate facilities is unclear.
- 9.7 The Council's Playing Pitch Strategy notes that "the number of sports facilities in Folkestone and Hythe District is below the per capita average for Kent and Medway for sports halls, swimming pools, tennis courts and athletics tracks." The provision of the athletics track would therefore assist in combating this deficit and provide a high quality facility which could be accessed by all across the District.
- 9.8 Many representations in support of the proposal have been received from parents whose children attend the Julie Rose Stadium in Ashford but state that they are not able to take their children to as many training classes per week as their children require to allow them develop further due to the travelling distance required. In addition, a large amount of support has been received for this proposed facility with an online petition which has received in excess of 750 signatures in support of the proposal.

- 9.9 Whilst the District may be within a 30 minutes' drive time catchment of the nearest facilities, the Supporting Statement identifies that when taking into account the use of public transport, journey times increase significantly, with the shortest journey time recorded from Hawkinge Primary School to the Canterbury Academy Campus at 55 minutes. In most cases, these commutes require walking distances in excess of a mile which would be considered inappropriate, particularly for the younger age group of users.
- 9.10 In addition, there is also the consideration of costs required for bus and rail fares which could be considered too expensive for many users, particularly from the more deprived areas of Folkestone. The Government's 2015 Indices of Multiple Deprivation ranks Folkestone and Hythe 113th out of 326 English Local Authorities in terms of overall deprivation. This overall rating hides some local inequalities. Folkestone Harbour and Folkestone Harvey Central are ranked in the poorest 2% Lower Super Output Areas (LSOA) in the country. It is therefore considered appropriate that such facilities are made readily available and accessible at affordable prices so that the entire District can benefit from local sporting facilities.
- 9.10 The intention of the facility at the Three Hills Sports Park is to provide a high quality facility which is accessible to everyone within the District. This is in addition to the site being extremely accessible and within walking distance of a range of transport modes.
- 9.12 The provision of the new athletics track will assist in enhancing the value of The Three Hills Sports Park as a multi-sport hub which is already a centre of excellence for hockey and cricket, as well as a range of other sports. The proposed facility would provide a high quality community facility which is easily accessible to those within the District and further afield. Ultimately, the proposal would provide more opportunities for the District to take part in sport and physical activity endorsed by paragraph 8 and 96 of the NPPF.

### **(b) Loss of Football Pitches**

- 9.13 The Council's Playing Pitch Strategy (PPS) was renewed and published in June 2018. The aim of the PPS is to undertake an assessment of playing pitches and the future need for provision, driven by increased population and to identify any gaps in the existing network of provision. Although the PPS provides a record of what football clubs are using what football pitches, the document only serves as a snap-shot in time and the situation in June 2018 would not necessarily be the same situation a year later.
- 9.14 Sport England was consulted on this application and they subsequently consulted with the relevant National Governing Bodies (NGBs) which included the Kent FA and Football Foundation who confirmed that they understood that the two grass pitches shown to be removed were still being used by; Folkestone Invicta Youth, Dynamo FC, Cheriton United Football Club and Folkestone Invicta Disability teams. Sport England therefore objected to the application initially on the basis that the loss of the two grass pitches would have a negative impact and would not accord with any of the exceptions to Sport England's Playing Fields Policy or paragraph 97 of the NPPF.

- 9.15 As part of the application, the applicant has engaged with these clubs to understand their up-to-date position and seek alternative provision where needed and a Supporting Statement has been submitted summarising the current situation.
- 9.16 Invicta Disability confirmed that they do not have any 11-a-side teams and their 9-a-side teams currently play on the 3G pitch at Three Hills Sports Park, therefore there is no displacement from the loss of the two grass pitches to this team.
- 9.17 Dynamo United currently utilise North Road, Shorncliffe as their home ground. The club has since confirmed that in the event of a clash booking at North Road, they can utilise The Stadium, Church Road as an alternative. There is therefore no displacement to this team.
- 9.18 Cheriton United Football Club is an under 13s club which require the use of a 9-a-side pitch. The club have confirmed that there is no displacement from any of their teams and have advised that they only use the pitches in question if their home ground has become unavailable due to vandalism.
- 9.19 However, Folkestone Invicta Youth teams do actively use these two 11v11 grass pitches for their 21 youth teams (mixed sex teams for U13s-U16s and U18s Girls who compete in the Kent Girls and Ladies Football League). Folkestone Invicta Youth state that between April and August the grassed land is also used by multiple clubs for summer training as this is Council land for public use. These two pitches are located within Flood Zone 3 and therefore have a high probability of flooding and as a result, the pitches frequently become waterlogged, particularly during heavy rainfall. Bookings for these two pitches between 2017/2018 totalled 56 and in 2018/2019 totalled 32 which demonstrates that recent use of the site is generally low level in nature. In addition to this, the existing pitches do not benefit from artificial lighting which limits their use, particularly in the winter months where hours of daylight are considerably reduced. Notwithstanding the above, these grass pitches are being used by Folkestone Invicta Youth teams.
- 9.20 Normally the justification of the running track would meet Sport England policy exception E5 which states:

*'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields'.*

- 9.21 However, the loss of two grass pitches, which would displace a team with nowhere to go, made policy E5 difficult to balance and therefore resulted in Sport England's formal objection. Following this objection the applicant has explored the issue further and discussed with Sport England, to understand the issue and explore whether other locations exist that Invicta Youth could utilise to provide alternative pitch provision.



9.22 Following discussions with Sport England the applicant has proposed a mitigation solution. This would see the Morehall Recreation Ground, 0.2 miles from the current football pitches to the rear of Three Hills being utilised. This site contains 2 kick around areas and was not included in the Playing Pitch Strategy as being used by the community and therefore was not counted in the overall supply figures. The site requires some work to bring the two grass pitches back into use and make them suitable for league games together with the addition of 1-2 WCs. This would be in line with the FA's emerging strategy, in that they require no more than 1-2 WCs in order to provide for recreation football in a recreational ground. The applicants have agreed to undertake this work and this can be secured by a Grampian style condition. The main changing rooms at Three Hills would still be available for use and to host pre and post-match functions there. Sport England has acknowledged this proposal and is supportive of that as it would meet health and wellbeing targets and would meet Sport England's policy exception E4 which states:

*'The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development'.*

9.23 Therefore, although there would be the displacement of Folkestone Invicta Youth, the improvement of the site at Morehall Recreation Ground as an alternative would mitigate against this by maintaining the level of adult pitches across the district. The delivery of two grass pitches would be conditioned to be provided prior to the removal of the two grass pitches at Three Hills if the application is granted planning permission. Sport England has therefore withdrawn their objection and now support the proposal.

9.24 The proposal is now considered to comply with sections b) and c) of paragraph 97 of the NPPF which states that existing 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.

9.25 The site is allocated in emerging policy C3 of the Places and Policies Local Plan as defined open space and this policy states that "Development proposals that would result in the loss of open spaces will be granted provided that: the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss". Not only would this proposal provide alternative sports and recreational provision, the loss of the two grass pitches to facilitate the running track can be mitigated by alternative provision at Morehall Recreation Ground. The proposal is therefore considered to be

compliant with paragraph 97 of the NPPF and emerging policy C3 of the Places and Policies Local Plan.

### **(c) Neighbouring Amenity**

#### Light pollution

- 9.26 The non-technical lighting summary submitted with the application, which is supported by a plan plotting the light spill areas, confirms that harm from the lighting would not occur given the presence of the location of the light columns, light shields and hours of operation.
- 9.27 The Environmental Health Manager has raised no objection in respect of harm to residential amenity through light pollution. Therefore, subject to a condition securing the details of the lights and hours of operation Environmental Health are satisfied that the lights would not result in harm to residential amenity. These times are considered to be acceptable and would be conditioned:
- Monday – Friday: 9am – 9pm
  - Saturday – Sunday: 9am – 9pm
  - One off events, anticipated to be 3 events max per year unless consent granted from FHDC.
- 9.28 In terms of lighting, rear louvres are also proposed to reduce the light spillage to neighbouring properties. The statement also states that there is potential to add dimmable switches to the lighting to reduce the level which may reduce the lighting and light spillage during training sessions, details of these could be conditioned.
- 9.29 The report states that if only the running track is in use, then only the lights required to light the track will be turned on and not the lights to the inner field, reducing the lights from 42 to 28 lights. The lighting will be turned off automatically at 9:15pm to allow for clearing of equipment and vacation of the site. If both the inner field and running track are in use then the inner lights will be turned off automatically at 9pm with the running track lights remaining on until 9:15pm, again to allow for clearing of equipment and vacation of the site. In both scenarios, if the site is vacated earlier than 9pm the lighting will be turned off when it is last used to reduce the impact to neighbours.
- 9.31 The Council's Environmental Health officer raises no objections to the proposal on the basis that the non-technical lighting summary is conditioned to ensure the lights are operated in the way that is stated in this report.

#### Noise

- 9.32 In response to residents' concerns officers have sought the provision of hedge planting to the rear elevation of the pavilion building to prevent footballs being kicked against the rear elevation. The aim being to reduce even further the limited noise and disturbance to residents this could cause when the facility is not in use.
- 9.33 The report also states that the portable PA system would be used for sporting events only and not for commentaries at those sporting events or on training nights. Clarity has been sought with the agent regarding this and it has been

clarified that the PA system would be used for sporting events only, for the starting of track events, calling of teams or individual races and results and would not be used for training nights. This would help to mitigate the impact to neighbouring residents. There is anticipated to be a maximum of 3 events a year, therefore the majority of use would be for training purposes without the need for the PA system, thereby reducing the impact upon neighbouring amenity.

- 9.34 During the processing of the application, further tree planting has been negotiated to be planted along the north boundary to extend the tree line in front of Nos. 4 and 5 Martha Close and Nos. 11 and 13 Lucy Avenue, to form natural screening. Thereby reducing the impact to these neighbouring residents.
- 9.35 The proposed relocation of the dog exercise area is considered to be acceptable and no more disruptive to neighbouring amenity than the existing use of sports facility.
- 9.36 It is accepted that the proposed athletics facility would have some impact upon the immediate neighbouring residents due to the change in use of the land, from the quiet nature of the existing dog walking facility. However, it is considered that the mitigation and proposed controls set out above and the changes to the design of the pavilion set out below would mitigate this impact to an acceptable level. Having regard to the above, it is considered that the impacts on residential amenity are acceptable and would accord with paragraph 180 of the NPPF which seeks to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and limit the impact of light pollution from artificial light on local amenity.

### **(d) Design and Visual Appearance**

- 9.37 Emerging policy HB1 of the places and policies local plan seeks for development to create, enhance and integrate areas of public open space and which does not lead to an adverse impact on the amenity of future occupiers, neighbours or the surrounding area. The policy further seeks developments to incorporate high quality hard and soft landscaping, boundary treatments and public open spaces.
- 9.38 The pavilion design has been amended during the course of the application from having a painted steel finish to being finished with diagonal larch timber cladding, to tie the development to the existing Three Hills buildings and soften/ameliorate the buildings into the site. The further hedge planting secured by officers would 'break-up' the appearance of the rear elevation further. A matching diagonal larch fence between the two containers is also proposed to visually join the two containers together to create a holistic appearance. Following the amendments secured by officers it is considered that the proposed pavilion would be result in a high quality form of development that would not result in visual harm to the area.
- 9.39 The track and associated facilities are functional and are considered appropriate to the location visually. Overall the changes are low level and

would not result in a visually harmful development. Especially given the existing context which is in sport provision.

- 9.40 The existing trees are around the edges of the site along the northern bank line with 5 trees needing to be removed to facilitate the levelling of the running track. However, 11 new Acer Maple trees are proposed along the north boundary and the planting of these would be conditioned.

### **(e) Highway Safety**

- 9.41 A total of 43 car parking spaces are proposed for day to day use by the stadium which far exceeds the required number of parking spaces required under SPG4: Kent Parking Standards, of which the requirement is 1 space per 10 seats. 123 overspill parking spaces are provided for competitions in the summer when teams from local athletic clubs will come to compete at the running track. There is no set standard for these events but the number of parking spaces provided is similar to the next nearest athletics stadium, which is the Julie Rose Stadium in Ashford. Kent Highways raise no objection and as such, the level of parking is considered unlikely to result in unacceptable levels of on-street parking.
- 9.42 The proposed access provides more than adequate visibility splays for the 30mph speed limit on Cornwallis Avenue and is considered to be acceptable.
- 9.43 The proposal meets the required standards and Kent Highways and Transportation has no objection subject to conditions safeguarding, parking, and sightlines.
- 9.44 In light of the above it is considered that the site provides adequate parking provision and a safe means of entering and exiting the site. As a result it is considered that the development would not result in harm to high way safety.

### **(f) Flooding**

- 9.45 The site is within flood zone 3 and is therefore at risk from fluvial flooding. The proposed development is classed as a 'less vulnerable use' as per the Environment Agency standing advice, which states that development is appropriate but the sequential test must be applied. The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding.
- 9.46 The Council is not aware of any other alternative sites where this athletics facility could be located and discussions have taken place with Sport England during the process of the application and no alternative location has been suggested at that time. Notwithstanding this, it would not be pragmatic to suggest locating the athletics track elsewhere as it relates to the existing Three Hills Sports facility and the proposal would enhance and extend these existing facilities. A pragmatic approach has therefore been taken. Therefore, the assessment then turns to where within the application site are the areas with the lowest flood risk. In terms of locating the track elsewhere on the Three Hills site, although there are areas at less risk of flooding within the Three Hills site, there is no other location that could accommodate the running track and pavilion due to other more extensive sports facilities being

in position. Therefore, it is considered that sequentially there are no other suitable sites that could accommodate the athletics facility and that this is the best location within the site.

- 9.47 In terms of surface water flooding, the running track would naturally increase run-off rates more than the current green field site however, this would be mitigated by surface water drainage to avoid localised flooding which is proposed to be secured by condition. Any increase in surface water flooding would not cause harm to life, given the higher position of the neighbouring dwellings or function of the area as a sport facility.

### **(g) Other Issues**

- 9.48 To improve connectivity across the site and to aid local walkers, signage is proposed to direct dog walkers to the new location and these would be secured by condition.

### **Environmental Impact Assessment**

- 9.49 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

### **Local Finance Considerations**

- 9.50 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

### **Human Rights**

- 9.51 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

### **Public Sector Equality Duty**

- 9.52 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

- 9.53 This application is reported to Committee due to the Council having a substantial interest in the application and that the application site is on Council owned land.

### 10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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**RECOMMENDATION – That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary:**

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Vehicle and cycling parking
5. Sight lines
6. Hours of use
7. Light dimmers
8. Lighting report conditioned
9. Details of lighting columns, fixtures and light baffles.
10. Hard and soft landscaping details and planting timeframe, including additional hedge planting
11. Tree protection measures
12. Boundary fencing details (dog walking facility and running track)
13. Provision of two grass pitches and WCs at Morehall Recreation Ground
14. Development to be carried out in accordance with site levelling cross sections
15. Pre-commencement and post-completion surveys of the culvert
16. Sustainable surface water drainage scheme
17. Verification report
18. Ecological method statement
19. Lighting design strategy