

**Floodlit sports facilities for Ursuline College, at playing field between King Ethelbert School and Ursuline College, Westgate-On-Sea – TH/11/587 (KCC/TH/0257/2011)**

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012.

Application by Ursuline College for a new artificial sports pitch and 4 court Multi Use Games Area (MUGA), with floodlighting, and a grass cycle circuit and cycle challenges, for use by Ursuline College, on existing sports field adjacent to Ursuline College, at King Ethelbert School, Canterbury Road, Westgate-on-Sea, Birchington - TH/11/587 (KCC/TH/0257/2011)

Recommendation: Planning permission be granted subject to conditions.

**Local Member(s): Mr Robert Burgess**

**Classification: Unrestricted**

**Site**

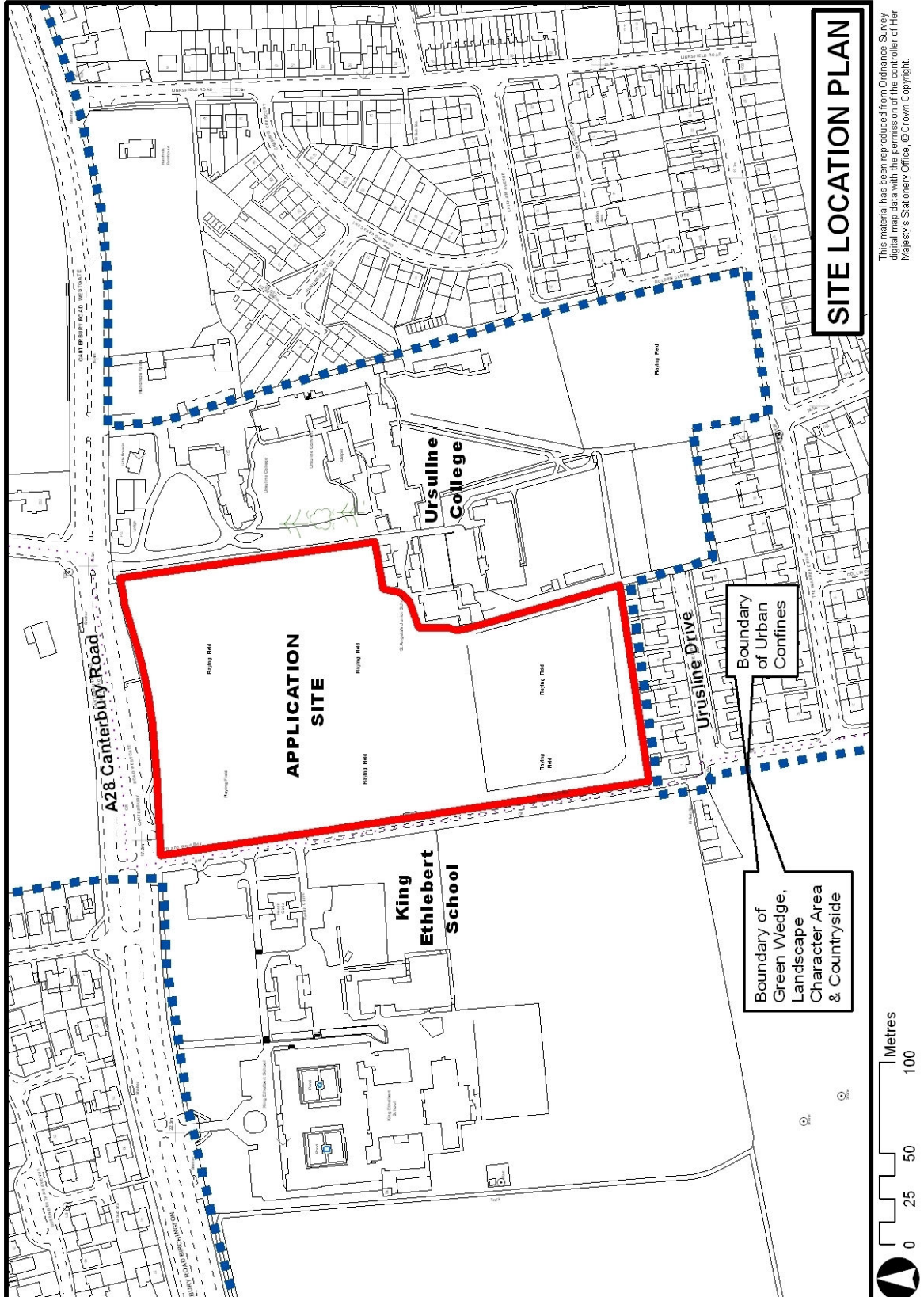
1. Ursuline College is located to the south of Canterbury Road (A28) in Westgate-On-Sea, and neighbours King Ethelbert School, which lies to its west. Playing fields within the curtilage of King Ethelbert School lie to the west of Ursuline College, separating the two schools. The proposed location for the floodlit artificial sports pitch, MUGA and cycling facilities is on that playing field between the two educational establishments. Ursuline College have served notice on King Ethelbert School and Kent County Council, as landowners, and also Ursuline Provincialate, who own various parcels of land within the Ursuline College Site. The Ursuline College site also contains a chapel, convent and nursing home, all owned by the Ursuline Provincialate. The School, which caters for 764 pupils aged 11 to 19+, is a specialist sports college, leading the curriculum development of PE, school sports and healthy lifestyles.
2. The application site is essentially divided into two parcels of land, one to the south of a dividing tree line, and a larger area to the north of the tree line, which lies to the south of Canterbury Road. It is the latter of these two areas that the applicant is proposing to develop. The site is currently used as an additional facility by King Ethelbert School, for limited school sports use only. The application site is surrounded on all sides by trees and undergrowth, and falls from south to north by approximately 2.5 metres, and east to west by approximately 1.5 metres. Existing pedestrian access to the site is from the west, and a vehicular maintenance entrance is located on the northern boundary, accessed via Canterbury Road. A Public Right of Way runs from Canterbury Road down the western boundary of the application site, and residential properties in Ursuline Drive back onto the southern site boundary.
3. The adopted Isle of Thanet Local Plan (2006) shows the site to be within the Green Wedge, a Landscape Character Area, and outside of the defined Urban and/or Village confines. A site plan is attached.

**Background**

4. A previous planning application was submitted in May 2010 for a new artificial pitch and MUGA, with floodlighting and car parking, on the current application site (TH/10/455). That application met with objection from statutory consultees, primarily over a lack of required detailed information, such as a lighting specification and tree survey. Due to

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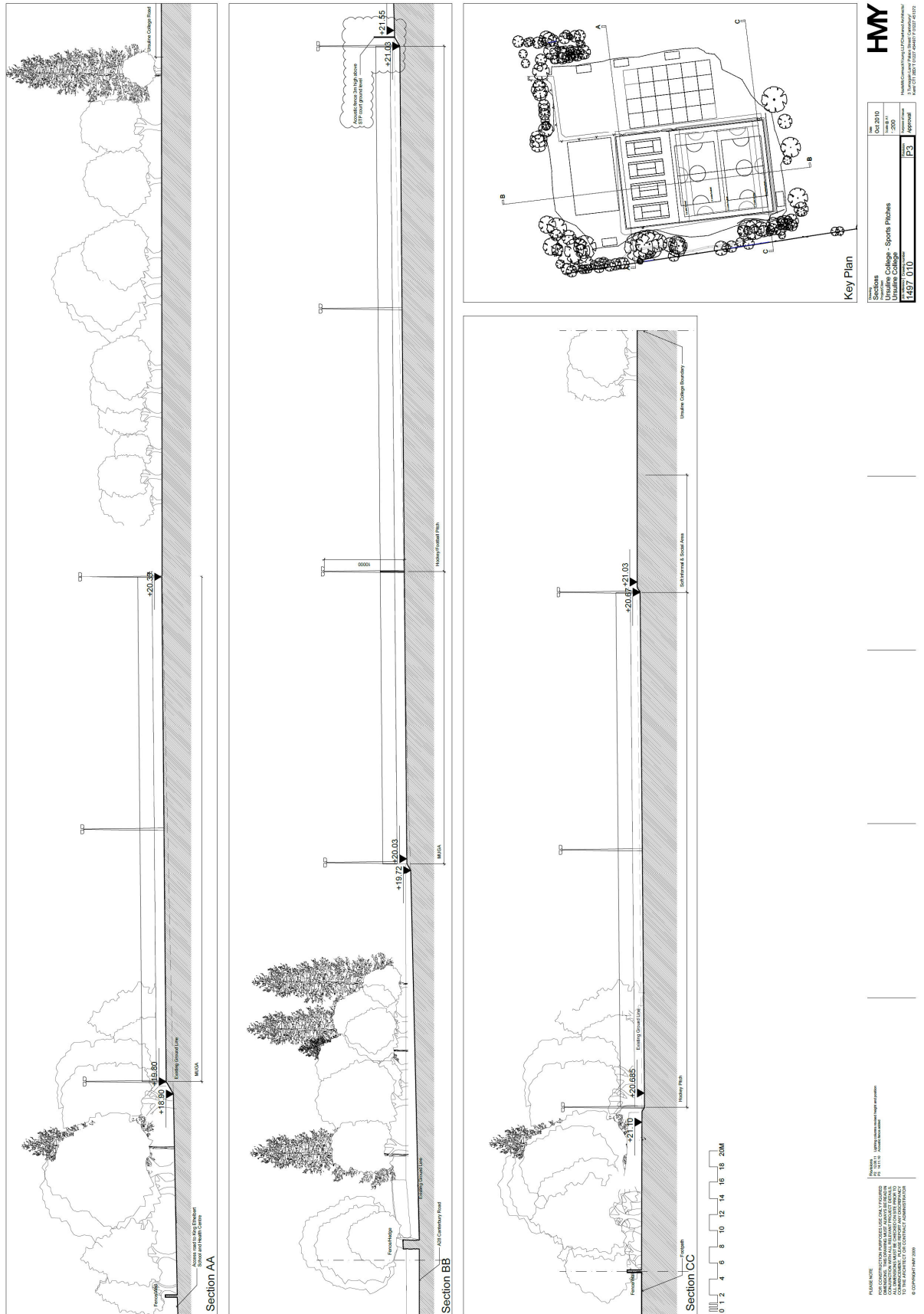
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the amount of information required, that application was withdrawn with the intention to re-submit when the necessary detail was collated.

5. In July 2011, the current planning application to be discussed throughout this report was submitted. The car parking previously proposed had been removed, and a pedestrian only access from within the Ursuline College site was proposed to facilitate access to the sports facilities. However, this proposed access met with objection from Ursuline Provincialate, as it crossed land within their ownership which the Provincialate objected to for a number of reasons. However, direct pedestrian access from the A28 Canterbury Road was considered by Kent County Council Highways and Transportation to be unacceptable, unless certain works could be undertaken. Following round table discussions, the application was formally amended, and it is the revised proposal that will be discussed throughout this report.

**Proposal**

6. This application has been submitted by Ursuline College, who would lease the application site from King Ethelbert School and the County Council, and thereafter retain it for education/sports use. The College is proposing to construct an all weather hockey/football pitch with floodlighting, a 4 court Multi Use Games Area (MUGA) with floodlighting, cycle challenges, and a pavement to the courts from the pedestrian access point on the A28, Canterbury Road. The applicant states that the facility is required to meet the needs of the College's sports specialism, and would be constructed to accommodate sports including hockey, football, tennis and netball. The applicant advises that the location of the facility would be ideally situated adjacent to Ursuline College, avoiding students having to travel long distances 'off campus' to use sports facilities necessary for their curriculum and enjoyment.
7. The hockey pitch and MUGA are proposed to be oriented north/south, which the applicant advises is an ideal orientation to avoid low sunlight and glare to players. Due to the changing levels on site, some cut and fill would be required, resulting in some banking at the southern end of the pitches, which would be seeded. To the east of the pitches, a new pavement is proposed in order to link back to the main school campus, via the dedicated pedestrian access located to the eastern end of the northern site boundary on Canterbury Road. The pedestrian entrance and footpath would follow an informal path that already exists, where security fencing has been breached. Low level lighting would be provided along the path, to enable safe access to the pitches during winter months and in the evenings. The existing chain link perimeter fencing would be repaired, and a new double gate to match would be provided, which would be locked and managed by the School to prevent unauthorised access.
8. In addition to the hockey/football pitch and MUGA, the applicant is proposing that the surrounding playing field would be marked out for practice areas (shown as a gridded area on the attached plans), and also provide a grassed area for cycle sports to the north of the proposed MUGA, and cycle challenges on the playing field around the edge of the sports pitches. The design of the cycle sports challenges would be developed with the School at a later date, although indicative details have been provided which show heights of between 1.5 and 3 metres, and lengths of between 10 and 15 metres. The challenges would be constructed using excess top soil removed during the pitch construction, and would be finished with a grass seeded surface. The grass cycle circuit area would be marked out on the existing grass surface, with no change to the levels or finish proposed.

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9. Floodlighting is proposed to be provided to the hockey/football pitch and the MUGA, and a detailed lighting specification has been submitted in support of this application. The lighting design would maintain an average illuminance of 200lux, maintained at 0.6 uniformity. The pitch would be floodlit by 8 ten metre high galvanised steel lighting columns, with the lighting specification designed to provide minimum light spillage. 2kW flat glass floodlights would be arranged either singly, in pairs, or in threes, spread over the 8 columns.
10. The hockey/football pitch would be surfaced with a green coloured sand filled synthetic grass, with white sports markings. Ursuline College are currently in negotiations with potential community users and may improve the surfacing specification to a 3G surface. The proposed MUGA, to the north of the hockey/football pitch, would be surfaced with black macadam, with white and yellow line markings setting out 4 tennis courts and 3 netball pitches. Both the MUGA and the hockey/football pitch would be enclosed with square 50mm weldmesh fence, coloured green, at 3 metres in height, with 1.2metre metre high kick and rebound boards. Access gates would be provided to match the fencing specification.
11. The existing site boundary fencing would be repaired with similar chain link fencing along the northern elevation, facing Canterbury Road. Gaps in the wall and fence line along the western boundary, adjoining the Public Right of Way, would be sealed with chain link fencing to prevent unauthorised access. The existing trees and undergrowth around the perimeter of the site are to be retained. To the south of the proposed synthetic pitch, a close boarded timber acoustic fence would be constructed, along the top of the bank to be created (by cut and fill), running parallel with the southern end of the pitch. The acoustic fence would be 65 metres long, and would be a total of 3 metres in height when measured from the pitch surface. The fence would be screened from views from the south, and properties in Ursuline Drive, by an existing line of mature trees and vegetation.
12. In addition to use by Ursuline College students during the school day, the applicant intends to make the facility available outside of core school hours for school related activities and community use. It would not, however, be open to the individual members of the public on a pay and play basis. Access to the facility would be arranged through the School for evenings, weekends, and school holidays for clubs and organisations working in partnership with Ursuline College. The proposed hours of use out of school hours are 6pm-9pm on weekday evenings, and 9am-7pm on Saturdays and Sundays. Competitors or participants would be of a school age, predominately 11-16, but also ages 5-11 and 6<sup>th</sup> form. The envisaged school related uses of the facility include inter school fixtures, uses by other local schools, holiday programmes, training courses and coaching, and use by Ursuline College School Club Links programme members such as Thanet Colts. Many of the users of the proposed facility already use the indoor sports facilities at the site.
13. Beyond use associated with the school, Ursuline College would like the facility to be used for wider community use. However, Kent County Council Highways and Transportation were initially concerned that such use could lead to parking on the A28 Canterbury Road, which could result in the dual carriageway road being reduced to a single carriageway, with no warning to road users. General parking and access issues will be discussed in more detail in the following paragraph, but in order to enable full Community Use of the facility, the School have agreed to provide a one off payment of £6000 to Kent County Council Highways and Transportation, for use by the Highway Authority to supplement the works planned to improve the A28. The contribution would be used to pay for signing and lining works should the Highway Authority deem that

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such works are necessary to mitigate any parking on the A28, should that arise as a result of wider community use of the proposed facility. The contribution would be made on the understanding that once the payment is made, Community Use, beyond school related activities, could commence and that the contribution shall be retained by the Highway Authority for a period no longer than three years from the date of receipt. Should such Highway Improvement works not have commenced within that time, or be deemed by the Highway Authority to be unnecessary, the total sum would be returned to Ursuline College.

14. The proposed sports pitches would be accessed via the existing Ursuline College site. Vehicles and pedestrians would enter the main school site through the existing entrance off Canterbury Road, at the east end of the school, and park in the school grounds in the designated parking areas. When the pitches would be used out of school hours by the community, it is envisaged that 33 existing school parking spaces would be made available. The School has a traffic management plan and site rules for visitors document, and all users of the proposed facility would have to register within the school site, and use the changing facilities within the newly completed sports hall.

*The application is accompanied by a Design and Access Statement, a Noise Impact Assessment, surfacing specification document, Ecological Scoping Survey, Tree Survey Report, Archaeological Evaluation Report & Lighting Design document.*

*Reduced copies of the submitted drawings showing the site layout, elevations, and access are attached.*

### Planning Policy

15. The Development Plan Policies and Guidance/Statements summarised below are relevant to the consideration of the application:

- (i) **Planning Policy Guidance and Statements:**

<b>PPS1</b>	Delivering Sustainable Development
<b>PPS4</b>	Planning and Sustainable Economic Growth
<b>PPS9</b>	Biodiversity and Geological Conservation
<b>PPG13</b>	Transport
<b>PPG17</b>	Planning for Open Space, Sport and Recreation
<b>PPS23</b>	Planning and Pollution Control
<b>PPG24</b>	Planning and Noise

Draft **National Planning Policy Framework** July 2011

*(Members will note that this draft document is a material consideration, although the weight to be attached is a matter for the decision maker)*

**Policy Statement – Planning for Schools Development** 15 August 2011

- (ii) The adopted **South East Plan 2009:**

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- Policy CC1** Seeks to achieve and maintain sustainable development in the region.
- Policy CC4** Refers to sustainable design and construction.
- Policy CC6** Refers to sustainable communities and character of the environment.
- Policy CC7** States that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of the development. Where this cannot be demonstrated the scale and the pace of the development will be dependent on additional capacity being released or the provision of new infrastructure.
- Policy T4** Refers to parking standards and the provision of adequate secure cycle parking.
- Policy NRM2** Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.
- Policy NRM5** Requires Local Planning Authorities and other bodies to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.
- Policy NRM10** Measures to address and reduce noise will be developed at regional and local levels.
- Policy BE1** Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.
- Policy C5** Seeks to ensure better management of the rural-urban fringe.
- Policy S1** Supports measures for developing and shaping healthy sustainable communities, including community access to amenities such as parks and physical recreation activities.
- Policy S3** States that, local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
- Policy S5** Refers to cultural and sporting activities, and encourages local authorities and their partners to improve the overall standard of fitness, enhance cultural diversity and enrich the overall quality of life.
- Policy S6** Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.
- Policy W2** Encourages sustainable design, construction and demolition.

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***Important note regarding the South East Plan:***

*Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.*

**(ii) The adopted 2006 Thanet District Local Plan:**

- Policy D1** All new development is required to provide high quality and inclusive design, sustainability, layout and materials.
- Policy D2** Development proposals will be well landscaped and maximise the nature conservation opportunities wherever possible.
- Policy HE12** Archaeological sites will be preserved and protected.
- Policy CC1** Within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.
- Policy CC2** On the Central Chalk Plateau Landscape Character Area, care should be taken to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.
- Policy CC5-** Within the Green Wedge new development will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the Policy. New development that is permitted should make a positive contribution to the area in terms of siting, design, scale and use of materials. Open sports and recreational uses will be permitted subject to their being no overriding conflict with other policies and the wider objectives of the plan.
- Policy EP9 –** Development that includes the provision of new outdoor lighting should be designed to minimise light glare, light trespass, spillage and sky glow so as to preserve residential amenity, the character of the surroundings and prevent disturbance to identified wildlife areas.
- Policy CF1** Planning permission will be granted for new community facilities if the proposals are not contrary to other Local Plan policies and the community use and location are demonstrated as acceptable.
- Policy SR1 –** Proposals for the provision of new sports facilities including those provided by Schools, particularly where these proposals are available to the public will be permitted provided the location of the proposal is within or adjoining the urban areas,

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the intended use is compatible with surrounding land uses, the facilities are well related to the major transportation network and close to public transport, any built development is at an appropriate scale, design and siting, and that satisfactory arrangements are made for vehicular access and parking.

**Policy SR3** - Proposals for the multiple use of existing facilities and new development which will create opportunities for recreational use by the public additional to the existing use of the facilities will normally be permitted.

**Policy SR12** Built development will not be permitted on playing fields if it would be detrimental to the character of the area. Moreover, no development will be permitted on land last used as playing field unless there are exceptional circumstances, including, amongst others: if the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to sport and recreation as to outweigh the detriment caused by the loss of the playing field.

**Policy TR12** Substantial development generating travel demand will be required to provide convenient and secure cycle parking and changing facilities.

**Policy TR15** Development proposals likely to generate significant travel demand and/or traffic movement will be required to demonstrate, through Green Travel Plans, specific measures to encourage and facilitate the use of walking, cycling and public transport in preference to private car travel.

**Policy TR16** Proposals for development will be required to make satisfactory provision for the parking of vehicles (including, where appropriate, service vehicles).

**Consultations**

16. **Thanet District Council** raises no objection.

**Birchington Parish Council** raises no objection.

**Kent County Council Highways and Transportation** raise no objection to the application subject to the imposition of conditions regarding the provision of on site parking for site operatives/personnel during construction, prevention of mud and similar substances on the highway and car parking on site to be made available to users of the facility at all times.

In addition, Kent County Council Highways and Transportation raise no objection to Community Use of the facility, beyond use associated with the school, subject to Ursuline College contributing £6000 towards any mitigation required as a result of wider community use, and for this to be incorporated into the planned A28 Highway Improvements. The revised proposal, which includes a statement agreeing to the contribution and the terms of payment, is considered to provide adequate mitigation for any potential overspill resulting from community based uses.

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**The Environment Agency** raises no objection subject to the imposition of a condition requiring the submission of a detailed sustainable surface water drainage scheme prior to the commencement of the development. In addition, advice is provided regarding soakaways and surface water drainage.

**Sport England** raises no objection and considers that the proposed development would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

**The County Council's Biodiversity Officer** raises no objection to the application. However, should the plans change, resulting in the removal of trees, bat surveys must be carried out and details of any necessary mitigation strategies must be submitted for approval. In addition, the lighting scheme must be designed to minimise light spill and not illuminate the surrounding trees. A precautionary principle must also be adopted when clearing any undergrowth to safeguard reptiles and, although this is outlined in the submitted Design and Access Statement, further details should be submitted pursuant to planning condition. In addition, the recommendations made within the submitted Ecology Survey must be adhered to.

**The County Council's Noise Advisor** raises no objection to the application, subject to the provision of the proposed 3 metre high acoustic barrier, to run 65 metres along the southern end of the sports pitch. The 10 kg/m<sup>2</sup> mass per unit area close boarded timber fence proposed is considered to be a suitable specification.

**The County Council's Lighting Advisor** has no objection to the application and states that:

“The nearest residential properties are those to the south. However, these are approximately 120 metres from the nearest edge of the pitch. The light spill diagram indicates that the lighting levels reduce to zero some 15 metres from the edge of the pitch, so would not impinge on these properties. Also, the views of the lamps from these houses would be negligible as the lanterns are of the flat glass type with the lamps set up inside the canopy of the floodlight. In addition, there are two hedgerows of bushes and trees between the pitch and the housing which would also restrict direct view from certain positions.”

**Public Rights of Way** no comments received to date.

**County Archaeologist** raises no objection to the application subject to the imposition of conditions requiring the submission of details of foundations and below ground excavations, and a written specification and timetable for a programme of archaeological work.

**Local Member**

17. The local County Member, Mr Robert Burgess, was notified of the application on the 20 July 2011. The local County Member for the adjoining ward, Mr Charles Hibbard, was also notified of the application on the 20 July 2011.

**Publicity**

18. The application was publicised by advertisement in a local newspaper, the posting of two site notices and the individual notification of 23 nearby properties. In addition, those neighbours who previously submitted representations on this application prior to

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revision, were notified of the amended application, and sent full details of the amended proposals.

**Representations**

19. To date 3 letters of representation have been received from 2 neighbouring properties, 2 of which relate to the application as originally submitted, and 1 to the application as now proposed. The main comments/points of concern and objection can be summarised as follows:

- Concern that the cycle track is already in existence and extends to the rear of properties in Ursuline Drive;
- Scrub clearance undertaken recently has opened up the rear boundaries of properties in Ursuline Drive, reducing security;
- Development should be within the main field, and not within the perimeter trees;
- Parking on local roads by staff, students and parents, already creates problems with blocked driveways, noise and litter;
- Parking should be provided to cater for use at evenings and weekends;
- People parking on local roads have to cross the A28 to access the school, which is dangerous;
- The floodlights will be seen, and will be used until late in the evening;
- Neighbours will be able to hear additional noise and voices from sporting events;
- The nursing home within the school grounds would be adversely affected by the development;
- Existing fencing is damaged, and the site is not secure, so anyone could use the facility at any time;
- No mention is made of toilet or changing facilities;
- Residents bought houses next to a school, not a leisure centre facility; use should be by the School during school hours only;
- The application site has been used since the Second World War by local residents for recreational pursuits. This then lends itself to a right of use of the land over 20 years, with no signs or notices to indicate ownership, and no restrictions on public access, and not 'trespass' as alluded to;
- The development would prevent local residents from using the site, with use dictated by Ursuline College only;
- The development would not maintain the Green Wedge status of the site, as over half the site would be an artificial surface. The development would also result in outward expansion of surrounding built development into the Green Wedge, and would be contrary to Green Wedge Policy as stated in the Thanet District Local Plan;
- Countryside should be protected and rural integrity maintained.

In addition, the Ursuline Provincialate, notified as Land Owners, raises no objection to the application as now proposed as it does not affect land within its ownership.

It should also be noted that a local resident has submitted a Village Green application regarding the southern section of the application site, to the south of the dividing tree line, to the rear of properties in Ursuline Drive. This area of the site is not, however, proposed to be developed as part of this application, and so the Village Green Application does not affect this current planning application.

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**Discussion**Introduction

20. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 15 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity. In addition, the Policy Statement - Planning for Schools Development (August 2011), states that there should be a presumption in favour of the development of state funded schools, as expressed in the [draft] National Planning Policy Framework (July 2011). Issues of particular relevance in this case include the principle of development in the Green Wedge and landscape matters, community use, general amenity concerns, including noise and light pollution, and access and highway matters.
21. As previously mentioned, the application site is included within the Green Wedge and a Local Landscape Area, as designated in the Adopted Isle of Thanet Local Plan under Policies CC5 and CC2 respectively. In addition, the site falls outside of the confines of built development and is, therefore, classified as 'Countryside', as designated under Policy CC1 of the adopted Local Plan. These Policies have a presumption against development unless specific criteria are met and it can be demonstrated that the development would not undermine the general principles of such Policies. In assessing the proposal the Policies outlined above, particularly those concerning the Green Wedge, need to be considered more closely to establish whether or not there are special circumstances that would warrant setting aside the general presumption against development, or that the development is acceptable and accords with the principles set out within the Policies.

Principle of the development

22. A local resident has suggested that the development would not maintain the Green Wedge status of the site, and that the development would result in outward expansion of surrounding built development into the Green Wedge, contrary to Green Wedge Policy as stated in the Thanet District Local Plan. Policy CC5 of the Thanet District Local Plan states that within the Green Wedge new development will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the Policy. New development that is permitted should make a positive contribution to the area in terms of siting, design, scale and use of materials. Open sports and recreational uses will be permitted subject to there being no overriding conflict with other policies and the wider objectives of the plan.
23. Policy CC5 assumes that the dominant land use within the Green Wedge is agriculture. This is not the case for this site which already has an established educational sports use on it, and is sandwiched between two secondary schools. As stated above, the Policy also considers that open sports and recreational uses would be compatible with Green Wedge policy, subject to there being no overriding conflict with the Policy criteria and the wider objectives of the Plan. Policy CC5 has four aims:
1. To serve as a barrier to the further outward growth and coalescence of Thanet's urban areas, so that the separate physical identities of the towns are retained;

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2. To prevent the consolidation of development on the boundaries between the built-up areas of the towns and the open countryside of the Wedges, and the extension of isolated groups of houses or other development;
  3. To conserve and protect the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, for the enjoyment and amenity of those living in, and visiting, Thanet;
  4. To prohibit all but essential development and other development which does not detract from the character and appearance of the area.
24. First, it should be noted that both King Ethelbert School and Ursuline College are within the Green Wedge, in addition to the Landscape Character Area. Both school sites are also outside of the confines of built development and are, therefore, classified as Countyside. Any development on either of these sites would therefore have to be assessed against these designations. Although the site is classified as Countryside, it is a playing field wedged between the A28, residential development, and two established schools. I do not consider it to be rural in nature, and would not refuse the application on grounds of it being inappropriate development within the 'countryside'. However, the purpose of the countryside designation, supported by the Green Wedge status is to prevent coalescence, as stated in the four aims of Policy CC5, as listed above.
25. Policy CC5 states that open sports and recreational uses will be permitted subject to their being no overriding conflict with other policies and the wider objectives of the plan. First, I do consider that this application is an 'open sports and recreational use', as the pitches and cycling facilities would not be enclosed in buildings, and built development would be surfacing, fencing, and floodlighting only. No ancillary buildings are proposed, and I consider that the openness of the site would be maintained. In addition, a local resident has suggested that over 50% of the site would be covered in an artificial surface. However, the applicant has confirmed that the area of artificial or tarmac surfaces is proposed to be 20.4% of the total site area, the minimum required to support the curriculum of the College. The use of artificial surfaces is important in order that the College can provide facilities to support its education of students in Thanet throughout the year and in inclement weather. It should also be noted that the hockey/football pitch would be surfaced in green coloured sand filled synthetic grass, and that only the MUGA would be black macadam. This would reduce the impact of the development, maintaining the openness of the site, and reinforcing the classification of the site as an 'open sports' facility. Therefore, accepting that the development is an appropriate development within the Green Wedge, it is necessary to assess the proposal against the four Policy aims to ensure that the development does not conflict with these.
26. The aims of Policy CC5 are to prevent outward growth and coalescence of Thanet's urban areas, prevent the consolidation of development on the boundaries between the built-up areas of the towns and the open countryside of the Wedges, conserve and protect the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, and to prohibit development which detracts from the character and appearance of the area. As already stated, the application site is sandwiched between two existing schools, the A28 and residential development, and it is not a site which is on a boundary with open countryside. The street scene would not be adversely affected by the proposal, as boundary planting and trees are to be retained, and the development is internal to the site. The application site would, therefore, continue to provide visual relief in an urbanised area when viewed from the A28, and would not, in my view, consolidate existing developments along the A28. The distinctive landscape quality of the site is its trees and undergrowth around the perimeter which conceals its 'openness' from all but the interior of the site. The proposed

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development does not affect the existing trees or undergrowth and the proposal would not, I consider, detract from the character and appearance of the area.

27. Having accepted that the development is an appropriate development within the Green Wedge, as it is an open sports and recreational use, I also accept that the proposed development accords with the general principles of Policy CC5, and would not lead to outward growth of urban areas, coalescence of urban areas or consolidation of development. In addition, the visual appearance of the site from a distance would not significantly change, as all boundary planting and trees would be retained. The site is not, in my view, rural in nature or open countryside and, although amenity matters will be discussed later in this report, I do not consider that the development would detract from the character and/or appearance of the area. I therefore, see no reason the refuse this application on the grounds of impact upon the 'countryside' or the Green Wedge.
28. In addition to the landscape designation discussed above, the site is also within the Central Chalk Plateau Landscape Character Area. Policy CC2 of the adopted Thanet Local Plan seeks to ensure that development should avoid skyline intrusion and the loss or interruption of long views to the coast and sea. Much of the land within the Landscape Character Area lacks buildings, has a level landform and generally has sparse vegetation. In turn, these factors allow many extensive and uninterrupted views across open countryside, in some cases to the coast and sea. However, as previously stated, the application site is surrounded by residential and school development, and mature trees and hedging. The floodlighting element of the scheme could be classed as 'skyline intrusion', but surrounding trees are in some cases taller than the 10 metre high floodlighting columns, as are adjoining buildings, and the street lighting along the A28 also has lighting columns up to 10 metres in height. In light of this, I do not consider that the proposed development would conflict with the underlying principles of Policy CC2, and see no reason to refuse the application on these grounds.
29. In summary, I consider that the proposed development is an appropriate use within the Green Wedge, as defined by Policy CC5, and that the development would not conflict with the aims of Policy CC5, or the underlying principles of Policies CC1 and CC2. However, should permission be granted, I consider it appropriate to impose conditions requiring the surfacing and fencing to be provided in strict accordance with the details already provided, final details of the cycle challenges to be submitted for approval, and tree protection methods, in accordance with BS5837: Trees in Relation to Construction, to be put into place before and during the construction works. Subject to these conditions, I see no reason to refuse the application on the grounds of conflict with the principles of local landscape Policy designations.

#### Residential Amenity

30. Local residents have expressed concern over potential light spill/pollution, noise pollution, hours of use/community use, restriction of access for local residents, highway implications and security risks associated with the proposed development. As outlined in paragraph 12 of this report, the proposed development would be used by students of Ursuline College during the school day, and it is the applicant's intention to make the facility available outside of core school hours for school related activities, and wider community use. It should be noted that the facility would not be open to individual members of the public on a 'pay and play' basis. Access to the facility would be arranged through the School for use in evenings, weekends, and school holidays for authorised clubs and organisations working in partnership with Ursuline College. The proposed hours of use out of school hours are 6pm-9pm on weekday evenings, and 9am-7pm on Saturdays and Sundays. Competitors or participants would be of a school

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age, predominately 11-16, but also ages 5-11 and 6<sup>th</sup> form. The envisaged school related uses of the facility include inter school fixtures, uses by other local schools, holiday programmes, training courses and coaching, and use by Ursuline College School Club Links programme members, such as Thanet Colts. Many of the users of the proposed facility already use the indoor sports facilities at the site and would simply transfer to using the more suitable purpose-built outdoor facility. Beyond use associated with the school, Ursuline College would also like the facility to be used for wider community use, within the same hours specified above. However, this resulted in concerns from Kent County Council Highways and Transportation with regard to general parking and access issues, which will be discussed in detail later in this report. However, the appropriateness of these hours will be discussed and considered in the context of residential amenity in the following paragraphs.

### Light Pollution

31. Objection is raised to the proposed development on the grounds of the impact the lighting would have on the wider landscape and on local residential amenity. The landscape context has been discussed above, and I am satisfied that the proposed lighting would not have an unacceptable impact on the wider landscape. However, the localised impact of the proposed lighting scheme on neighbouring residential amenity needs to be considered.
32. As detailed in paragraph 9 of this report, the pitch is proposed to be lit with 2 kW flat glass luminaires, mounted on eight 10 metre columns. The applicant advises that the lighting design would maintain an average illuminance of 200 lux, maintained at 0.6 uniformity. The applicant has provided a detailed lighting specification, and a lux level diagram. The County Council's Lighting Advisor has no objection to the application and confirms that "the nearest residential properties are those to the south, approximately 120 metres from the nearest edge of the pitch. The light spill diagram indicates that the lighting levels reduce to zero some 15 metres from the edge of the pitch, so would not impinge on these properties. Also, the views of the lamps from these houses would be negligible as the lanterns are of the flat glass type with the lamps set up inside the canopy of the floodlight. In addition, there are two hedgerows of bushes and mature trees between the pitch and the housing which would also restrict direct view from certain positions". I therefore consider that the lighting scheme would not result in spill light into neighbouring land or properties, and see no reason to refuse the application on this ground.
33. Whilst the light spill would be satisfactorily contained well within the school grounds, there would still be a view of the illuminated area from some neighbouring properties, and from the A28, but I am satisfied that the technical specifications for the luminaires are such that there would be no glare impacting outside the pitch itself. Moreover, as previously stated, the nearest houses are over 120 metres from the lighting columns, and screened by existing mature trees and hedging, and the floodlighting would not, therefore, be unduly intrusive for neighbouring occupiers. Members will also be aware that the protection of private views across neighbouring land is not a material planning consideration.
34. As detailed in paragraph 30, the proposed hours of use out of school hours are 6pm-9pm on weekday evenings, and 9am-7pm on Saturdays and Sundays. In terms of lighting, I consider that the specification proposed would not result in unreasonable light spill or glare, and would not, therefore, have a detrimental impact on the amenity of neighbouring residents. Should permission be granted, it would be appropriate to impose conditions to ensure that lighting was extinguished by 9pm on Weekdays, 7pm

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on weekends, or within 15 minutes of the last use of the facility if earlier, and when the pitches are not in use, and that the lighting is set up in strict accordance with the submitted specification and details, and thereafter maintained. Subject to the imposition of these conditions, I see no reason to refuse the application on the grounds of light pollution.

Noise Pollution

35. Local residents have also expressed concern over the noise implications of the proposed pitch, particularly with regard to evening and weekend use. It is important to note that the existing pitches can currently be used at any time by the School without any restrictions. However, the provision of a synthetic floodlit pitch would increase the intensity of use, enable use in inclement weather and extend the hours of use beyond those afforded by natural daylight.
36. The applicant submitted a Noise Impact Assessment with this application, and has undertaken further survey work as a result of consultation responses from the County Council's Noise Advisor. As a result of this work, the applicant is proposing to erect a 2.5 metre high acoustic fence, upon a 0.5 metre high bund, formed as a result of the cut and fill process (measuring a total of 3.0 metres from the surface level of the pitch). The acoustic fence would be 65 metres in length, running parallel to the southern end of the hockey/football pitch. The County Council's Noise Advisor raises no objection to the application, subject to the provision of the acoustic barrier, which is to be constructed of a 10kg/m<sup>2</sup> mass per unit area close boarded timber fence. The fence would be located between the southern end of the pitch, and the existing tree line which divides the site, so would be well screened from view.
37. In light of the above, I do not consider that the use of the pitch within the hours specified by the applicant would have a detrimental impact on the amenity of neighbouring residents with regard to noise, subject to the provision of the acoustic barrier prior to first use of the facility. Therefore, should permission be granted, a condition of consent would require the acoustic barrier to be erected on site in accordance with the submitted specification and details, prior to first use of the facility, and thereafter retained and maintained. Subject to this, I see no reason to refuse the application on the grounds of noise.

Restriction of Access/Village Green Application

38. Local residents have stated that the application site has been used since the Second World War by local residents for recreational pursuits, and consider that the development would prevent local residents from using the site, with future use dictated by Ursuline College. I am advised that a Village Green Application has been submitted to the County Council (as the appropriate assessment authority for such applications) regarding the southern section of the application site, which is not proposed to be developed in any way as a result of this planning application. The application site is in the ownership of Kent County Council and King Ethelbert School, both of which notice has been served on as part of this application process. Should permission be granted for this current development, Ursuline College would lease the land from the County Council and the neighbouring School. To my knowledge, public access to the application site is only possible due to breaches in the existing site perimeter fencing, which is in a poor state of repair in places. The site is school playing field, and not public open space, and any access to the site in the past has therefore been as a result of trespass. However, the Village Green Application is a separate process to this planning application, and does not affect land that would be developed should planning

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permission be granted for the proposed sports facilities. I therefore do not consider that this matter should affect the determination of this planning application.

Security

39. Local residents have also expressed concern over matters of privacy and security, in terms of unauthorised access to the site, and clearance of the site reducing security to the rear of properties in Ursuline Drive. I have been advised by the applicant that both Ursuline College and King Ethelbert School recently undertook a site clean up operation to remove rubbish, and some undergrowth from the site. Residents have expressed concern that this has opened up their rear boundaries and created security concerns, and also considered this to be the start of the creation of a cycle circuit. However, the School is within their right to maintain land within their ownership, and has confirmed that no activity or further development would occur to the rear of properties in Ursuline Drive. In addition, the provision of the floodlit pitch some 120m from local properties would not, in my opinion, have a detrimental impact on security or privacy. In fact, with regard to security, the use of the playing field in the evening could be argued to improve security due to increased natural surveillance from more regular supervised activity. In addition, the applicant is proposing to repair any damage to the existing boundary fence, where necessary, preventing unauthorised intrusion into the site. I therefore consider that security of the site would be increased as a result of this development as unauthorised access would be prevented, and the authorised use of the site would increase natural surveillance.

Hours of Use/Community Use

40. Community use of school facilities is a principle which is supported by Development Plan Policy and wider Government aspirations for extended school use and community activities. Having considered the proposed hours of use of the facility outside of school hours in terms of light and noise pollution, restriction of access, and security, I consider the hours proposed to be acceptable. Therefore, should planning permission be granted, a condition of consent would be imposed to restrict use of the facility outside of school hours to between 6pm and 9pm Monday to Fridays, and 9am-7pm on Saturdays and Sundays. In addition, conditions of consent would require the application site to be vacated within 15 minutes of its last use, lighting to be extinguished in accordance with the conditions set out in paragraph 34, the acoustic fence to be provided prior to first use, and the site to be secured when not in use. I also consider that the proposed level of school associated use and wider community use is acceptable in terms of residential amenity, but the access and highway implications of this need to be considered and discussed.

Access and Highway Matters

41. Local residents have expressed concern over existing highway matters associated with Ursuline College, including parking on local roads by staff, students and parents. Unfortunately, such issues are often experienced around school sites. However, it is important to consider the highway implications of this application to ensure that the proposed development would not exacerbate existing problems. Use of the facility by existing pupils during the school day would not impact upon the local highway network, and did not therefore meet with objection from Kent County Council Highways and Transportation or local residents with regard to access/parking matters. However, wider school and community use needs to be discussed in more detail.

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42. As outlined in paragraphs 12 and 13 of this report, the applicant is intending to make the facility available for school related activities and community use. Proposed School related activities, including inter school fixtures, use by other local schools, holiday programmes, training courses and coaching, and use by Ursuline College School Club Links Programme, have not meet with objection or concern from Kent County Council Highways and Transportation. The majority of those using the facility for such uses would arrive by minibus or a small number of cars, and could be easily accommodated within the existing site in terms of parking. In addition, many of the uses mentioned already use the indoor sports facilities at the site and would merely change to using the outdoor facilities which would be fit for purpose and built to the correct standards for various sports. All users would sign in at the school site, use the existing sports hall changing facilities, and walk to the outdoor facilities proposed via the route dictated in the submitted application documents, accessing the site via the pedestrian access on the A28. Kent County Council Highway's and Transportation raise no objection to such wider school use, and I consider this to be an appropriate use of school facilities, a principle which is supported by Development Plan Policy and wider Government aspirations for extended school use and community activities. However, should permission be granted, conditions of consent should be imposed to ensure that the Ursuline College Site Parking and Management Strategy is adhered to, and that parking on the main school site is always available out of school hours to accommodate users of the facility.
43. However with regard to wider community use of the facility, this needs to be discussed in more detail. As outlined in paragraph 5, when the application was originally submitted, pedestrian access to the proposed sports facility was from a gate to be provided within the eastern site boundary, from within the Ursuline College site. At that time, Kent County Council Highway's and Transportation raised no objection to the proposed development, including wider community use. However, the proposed access gate within the Ursuline College Site met with objection from Ursuline Provincialate, who own various parcels of land within the school site, including a strip of land that runs down the whole of the eastern boundary of the application site. The Provincialate objected to the access crossing land within their ownership, leaving the applicant with only one option to provide access into the application site - an entrance from the northern boundary, on the A28. The application was, therefore, formally amended, moving the pedestrian access point from the eastern site boundary, to the northern site boundary.
44. However, direct pedestrian access from the A28 Canterbury Road was considered by Kent County Council Highways and Transportation to be unacceptable with regard to wider community use, unless certain works could be undertaken. Concern was expressed that local football teams, for example, would arrive individually in cars, already changed, with no need to enter the Ursuline College site. The concern was that such users of the facility would park on the A28, adjacent to the proposed access, which would essentially narrow the dual carriageway road to a single lane road without any warning being in place to alert other road users to this. Although the applicant confirmed to Kent County Council Highway's and Transportation that all users of the proposed facility, including wider community users such as local football teams, would have to adhere to the Ursuline College Site Parking and Management Strategy, meaning that they would have to sign in on the Ursuline Colleges site, encouraging users to park within the site, objection to wider Community Use was raised.
45. Following round table discussions with Kent County Council Highways and Transportation and the applicant, it became apparent that a Highway Improvement Scheme is in the pipeline for the A28. Although details of this have not been finalised, the scheme is likely to include hatching on the approach to the school site, with

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associated advanced signing, which would filter traffic into the outside lane, allowing the inside lane to be used for parking without causing a danger to other road users. It should be noted that this element of the Improvement Scheme is only a small part of the programme of works, and is not included as a direct result of this planning application. However, Kent County Council Highways and Transportation considered that mitigation might be necessary to offset the potential problem of wider community users of the proposed sports facilities parking on the A28. It was, therefore, agreed that Ursuline College should pay Kent County Council Highways and Transportation £6000 as a contribution towards the planned Highway Improvement Scheme. This contribution would need to be paid by Ursuline College prior to any wider community use of the facility commencing on site. Once paid, wider community use of the proposed sports facility could commence, in advance of any progress on the Highway Improvement Scheme. Kent County Council Highways and Transportation would thereafter monitor the parking situation and, if they consider that additional parking is occurring on the A28 as a result of wider community use of the facility, the Highway Authority would then use the contribution to pay for mitigation works, in this case lining, hatching and signing. In the event that the contribution has not been spent within three years, or mitigation works have not been considered by the Highway Authority to be necessary, the total sum would be returned to Ursuline College at the end of the three years.

46. Ursuline College have submitted a statement, dated 22 November 2001, which confirms the terms of the £6000 contribution sought. Kent County Council Highways and Transportation raise no objection to the wider community use of the facility, subject to receipt of the contribution, and have agreed to return the sum in full after 3 years from receipt, should works not have progressed as planned. Therefore, I consider that this should be a pre-condition of consent and be subject to a separate agreement, between Ursuline College and Kent County Council Highways and Transportation. This would ensure that wider community use of the facility could not commence until such time as the contribution is received by Kent County Council Highway's and Transportation. This would, I consider, provide adequate mitigation for any parking on the A28 that is generated by the proposed development. However, it should be noted that wider community users would have to adhere to the Ursuline College Site Parking and Management Strategy, meaning that they are required to sign in within the Ursuline College Site, encouraging users to park in the available parking on site. Subject to the imposition of the conditions outlined above, I do not consider that the development would have a detrimental impact on the local highway network, and see no reason to refuse the application on these grounds.

#### Public Right of Way

47. Although a Public Right of Way runs along the western boundary of the application site, the County Council's Public Rights of Way team have not commented on this application. I do not consider that the development would adversely affect the Public Right of Way in terms of its use, light spill, or views from the footpath, and therefore see no reason to refuse the application on this ground.

#### Landscaping and Ecology

48. The County Council's Biodiversity Officer has no objection to this application, but requires certain matters to be covered by planning condition. The Officer requests that further details of a precautionary approach with regard to clearing any undergrowth to safeguard reptiles should be submitted for approval. However, given that the only works required to the boundary of the site are fence repairs, and the provision of a new pedestrian access, which would follow the route of an existing unauthorised access,

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undergrowth clearance would be minimal. In light of this, I consider the level of detail provided within the submitted application documents with regard to the precautionary approach to be appropriate, and do not see any need for further detail to be submitted. However, a condition of consent should be imposed to ensure that the precautionary approach is adhered to. In addition, a further condition should ensure that the applicant adheres to the conclusions and recommendations made within the submitted Ecological Survey Report. Subject to these conditions, I do not consider that the development would have an impact on protected species and/or biodiversity.

49. The application does not necessitate the removal of any trees on site. However, it is imperative that boundary trees and planting is retained and protected throughout the duration of construction works. I therefore consider that, should permission be granted, a condition of consent should be imposed to ensure that the development is undertaken in accordance with BS5837:Trees in Relation to Construction, and that measure must be put in place to protect trees to be retained prior to, and during, the construction works.

#### Archaeology

50. An Archaeological Evaluation Report accompanied this planning application. The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, conditions of consent should be imposed. It is requested that no development takes place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written specification and timetable which should be submitted for approval. In addition, prior to the commencement of the development, details of foundations and below ground excavations should be submitted for consideration. As works would be undertaken upon existing undeveloped land, I consider the two requested conditions appropriate requirements in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. Therefore, subject to the imposition of the required conditions, I do not consider that this proposal would have a detrimental impact on archaeological remains.

#### Drainage and Land Contamination

51. The Environment Agency raises no objection to this application subject to the imposition of a condition requiring the submission of a detailed sustainable surface water drainage scheme prior to the commencement of the development. I consider that subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme prior to the commencement of the development, the development could be controlled to ensure that it would not result in unacceptable pollution levels, in accordance with the principles of Development Plan Policy. Additional advice for the applicant is also provided with regard to drainage and soakaways, and this would be covered by the imposition of an informative drawing the applicant's attention to the Environment Agency's letter.

#### Construction

52. Given that there are residential properties and two schools in close proximity to the site, and a care home within the Ursuline College site, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their

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contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.

53. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The Strategy should include details of construction methods, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
54. In addition to the above, should permission be granted, a condition of consent would ensure that mud on the local highway network would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

**Conclusion**

55. In summary, I consider that, subject to the imposition of appropriate planning conditions and an agreement between Ursuline College and Kent County Council Highway's and Transportation regarding the transfer of funds, this proposal would not have a significantly detrimental effect on residential or local amenity, the Green Wedge and character of the area, or the local highway network. In my view, the development would not give rise to any significant material harm, including to the wider protected landscape and functioning of the Green Wedge, and to the amenity of neighbouring residents with regard to light and noise pollution, security and other general amenity matters, and is in accordance with the general aims and objectives of the relevant Development Plan Policies. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

**Recommendation**

56. I RECOMMEND that, subject to an agreement between Ursuline College and Kent County Council Highway's and Transportation regarding the transfer of funds as set out above for any required highway improvement works to the A28, that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- A 3 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;
  - fencing and surfacing to be installed in accordance with the submitted details;
  - precise details cycle challenges to be submitted;
  - protection of trees to be retained;
  - the precautionary approach with regard to clearance of undergrowth to safeguard reptiles must be adhered to;
  - the conclusions and recommendations made within the submitted Ecological Survey Report must be adhered to;
  - hours of use out of school hours to be restricted to be between 18.00 and 21.00 Monday to Friday, and between 09.00 and 19.00 on Saturdays, Sundays & Bank Holidays;
  - site to be vacated within 15 minutes of its last use;
  - site to be secured when not in use;
  - all lighting on site to be extinguished by 21.00 Monday to Friday, 19.00 on Saturdays, Sundays and Bank Holidays, or 15 minutes after last use of the facility if earlier;
  - extinguishing of lighting when pitch/MUGA not in use;
  - level of use of the facilities to accord with submitted details;
  - lighting to be installed in accordance with approved details, and checked for compliance on site;

## Item D2

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- lighting levels not to exceed those specified within the application;
- no further lighting to be installed without planning permission;
- acoustic barrier to be erected in accordance with the submitted details prior to first use of the facility, and thereafter retained and maintained;
- Ursuline College Site Parking and Management Strategy must be adhered;
- parking to be available out of school hours for use associated with the school and wider community use;
- submission of a sustainable surface water drainage scheme;
- implementation of a programme of archaeological work, in accordance with a written specification and timetable;
- details of foundations and below ground excavations submitted for consideration;
- hours of working during construction to be restricted to 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- measures to prevent mud and debris on the highway;
- submission of a Construction Management Strategy;

57. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- Account should be taken of Environment Agency's advice relating to drainage and soakaway;
- Ursuline College to adhere to the terms detailed within their statement dated 22 November 2011, and the subsequent agreement with Kent County Council Highway's and Transportation, to provide a £6000 contribution to Kent County Council Highway's and Transportation prior to the facility being used for wider community use;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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