

**Conversion of tennis courts to Multi-Use Games Area (MUGA), St Gregory's Comprehensive School, Tunbridge Wells – TW/08/3503.**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2008.

Application by the Governors of the St Gregory's Catholic Comprehensive School for conversion of tennis courts to Multi-Use Games Area (MUGA) at St Gregory's Catholic Comprehensive School, Tunbridge Wells (Ref: TW/08/3503)

Recommendation: permission be granted subject to conditions

Local Member(s): Mr R. Bullock

Classification: Unrestricted

**Site**

1. St Gregory's Catholic Comprehensive School is located north from Tunbridge Wells town centre, off Reynolds Lane. Residential properties are located to the north and west of the site. Tunbridge Wells Grammar School for Boys is located to the east along with Sports and Youth Centre, residential properties and a Territorial Army Centre (see D1.2). The boundary of the Metropolitan Green Belt runs along the western edge of the site. The site is located within a Special Landscape Area and a Rural Fringe area. A Public Right of Way runs through the school site between the buildings and the upper tennis courts.

**Background**

2. In March 2004 the Planning Applications Committee considered a proposal for a Multi-Use Games Area (MUGA) with floodlighting to the lower tennis courts, for which planning permission was then granted. The applicant had 3 years to implement the permission but failed to do so. Since the permission lapsed in March 2007, the School is now re-applying for a very similar scheme although floodlighting is omitted from the scheme.

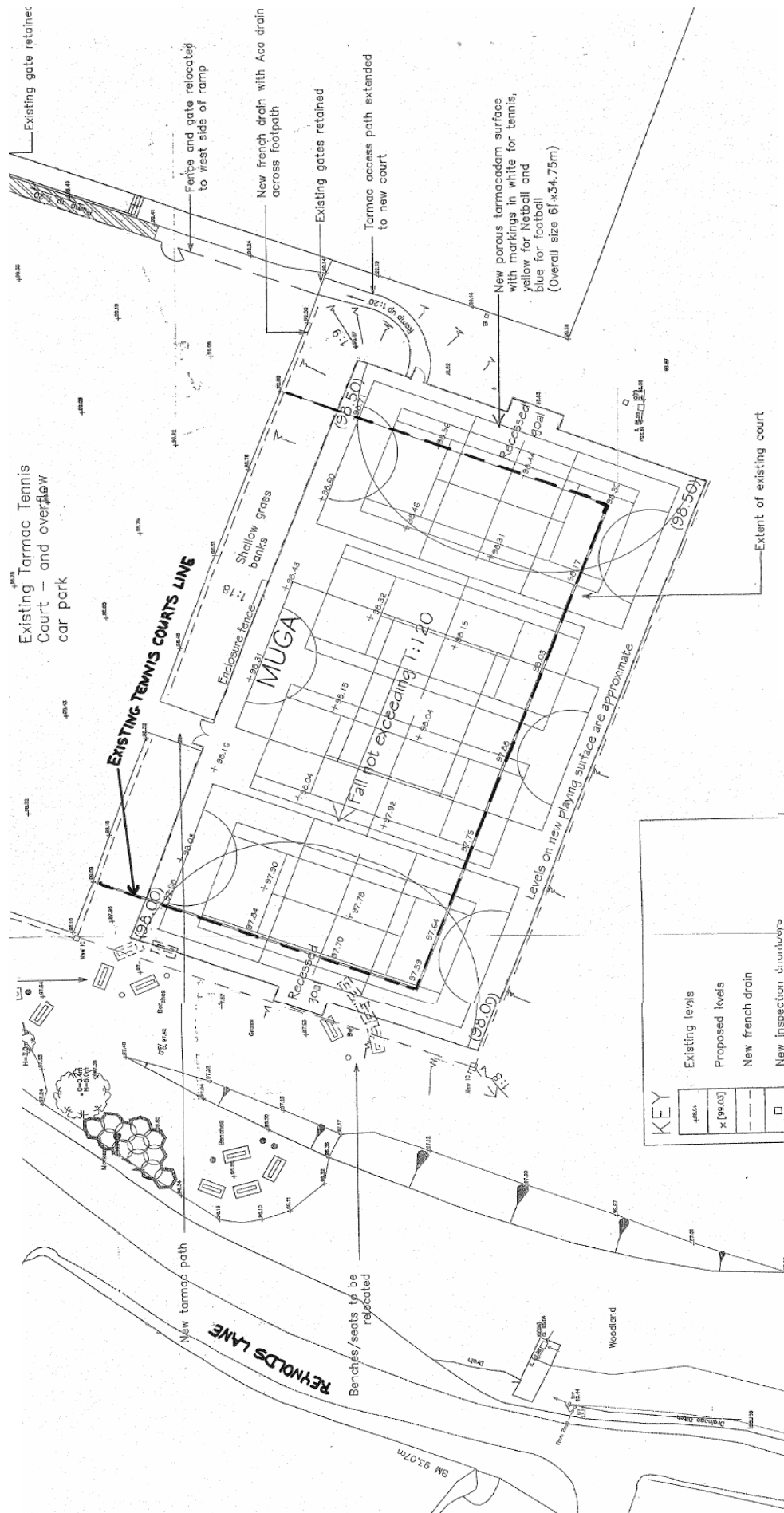
**Proposal**

3. Within the St Gregory's Catholic Comprehensive School grounds there are two adjacent and fenced off blocks of tennis courts. The courts lie to the south of the school buildings, west of the large sport hall building, adjacent to the Sports and Youth Centre and to the east of the tree lined boundary with Reynolds Lane. The application proposes to upgrade and extend an area of the lower existing tennis courts to create a MUGA of dimensions 61m x 35m plus recessed goals. The existing block of tennis courts has a gradient on the impermeable playing surface that exceeds recommended standards. The proposal is to extend these tennis courts to a slightly larger outdoor sports playing areas with a porous surface sprayed green that can be used for a variety of sports and to meet current standards. The proposal includes minor earthwork to level the ground. The enlarged area of the MUGA would be enclosed by 3m high black weldmesh fence with access gates to match. Alongside with the new MUGA, it is proposed to improve the means of access to both the existing upper and lower courts by installing ramps in places of steps (see D1.3).
4. As no floodlighting is proposed as part of the scheme, the use of it would be restricted to the hours of daylight as is the case for the current tennis courts. It is envisaged that the facility would be made available to the community after school hours and at weekends.

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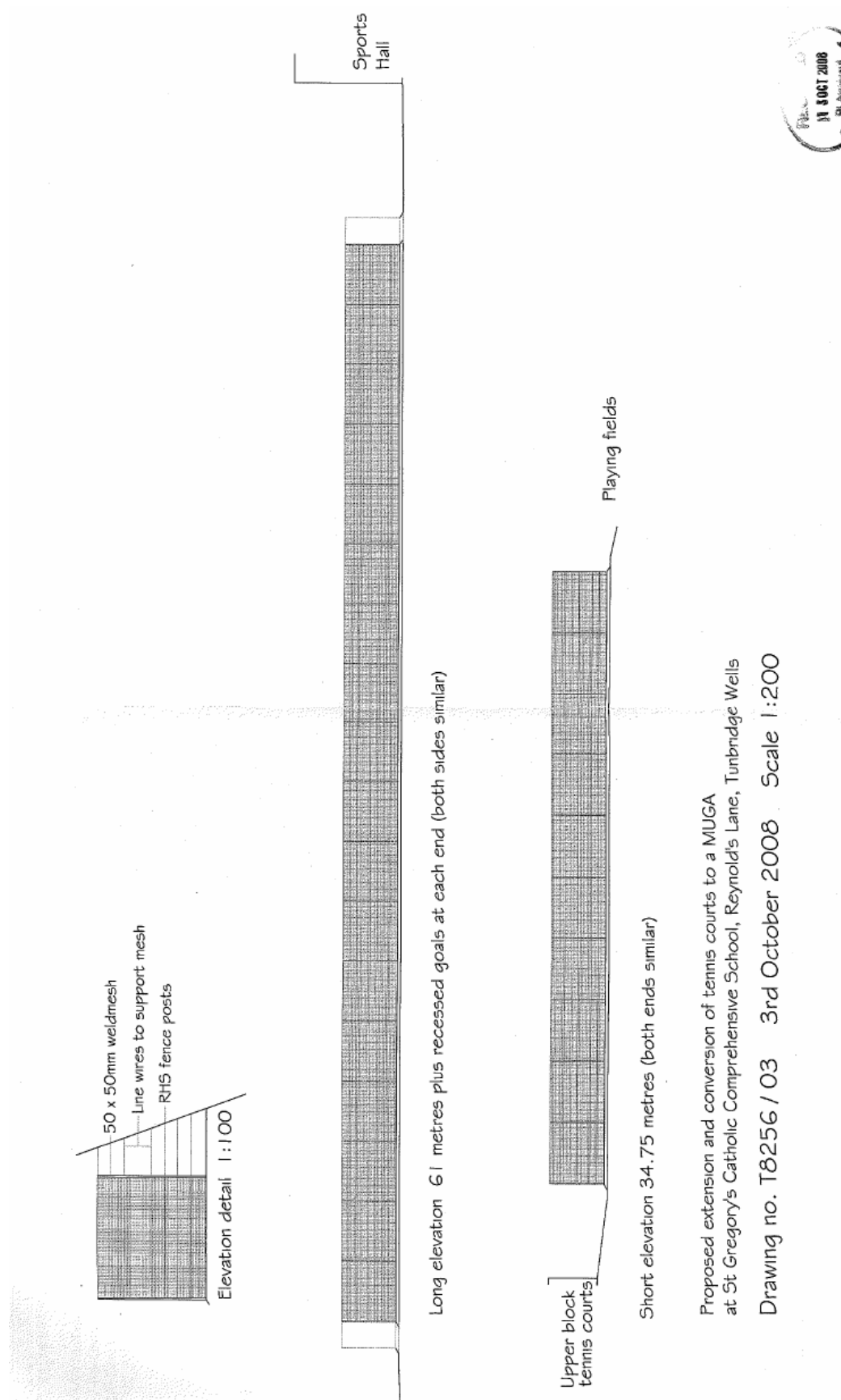


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# Item D1

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**Planning Policy**

5. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) The Kent & Medway Structure Plan 2006:

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| Policy SP1  | Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development.   |
| Policy SS6  | Seeks to improve the built and natural environment, the functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs.  |
| Policy QL1  | Seeks to ensure that all development is well designed and of a high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted.  |
| Policy QL11 | Provision will be made for development and improvement of local services in existing residential areas and in town centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses and the concentration of sports facilities at schools will be encouraged |
| Policy EN5  | Special Landscape Areas will be protected, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.  |
| Policy QL15 | Provision should be made for sport, informal and formal recreational facilities taking account of the potential for dual use and/or joint provision.   |
| Policy TP3  | Development sites shall be well served by public transport, walking and cycling.   |
| Policy TP19 | Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council.   |
| Policy NR5  | Development should not result in an unacceptable level of pollution including noise.   |

(ii) Tunbridge Wells Local Plan 2006 Plan 2000:

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| Policy LBD1 | Outside the Limits to Built Development, development will only be permitted where it would be in accordance with all relevant policies contained in the Local Plan and the rural settlement and countryside policies in the Kent and Medway Structure Plan. |
| Policy EN1  | New development should be well designed and respect its setting.  |

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Policy EN27 Seeks protection of Kent's Special Landscape Areas.

Policy RF1 Designated land as Rural Fringe

Policy RF2 Land within Rural Fringes will be safeguarded from permanent development as a reserve of land to meet longer-term development needs beyond the Plan period.

**Consultations**

6. **Tunbridge Wells Borough Council:** raises no objection to the proposal.

**Divisional Transportation Manager:** raises no objection to the proposal.

**Local Member**

7. The local Member Mr R. Bullock was notified of the application on the 15<sup>th</sup> October 2008.

**Publicity**

8. The application was publicised by the posting of a site notice and the individual notification of 3 nearby properties.

**Representations**

9. 2 letters of representation were received in response to the proposal. The main planning reasons for objections can be summarised as follows:

- the proposal needlessly places very noisy and disruptive outdoor sports facilities next to dwellings, causing unnecessary suffering to the residents, destruction of amenity, ecological harm and damage to the rural locality in the Green Belt;
- the facility is proposed close to Santa Maria Farm and Oaklea, whereas the facility could be placed nearer to the YMCA building, further away from dwellings;
- future floodlighting, indicated by the key to the drawing T8256/02, would further destroy the locality;
- the applicant seeks unrestricted hours of use seven days a week, all year which would be severely disturbing, including whistles, starter horns, bouncing balls, shouting and traffic arriving departing and parking;
- this would change the whole character of the area, both for residents and the wildlife, and residents up and down Reynolds Lane;
- there is no assessment of the environmental impact of the MUGA

other issues raised:

- KCC does not have the power to determine the application under Regulation 3 of the Town and Country Planning Act because KCC is not a joint applicant.

**Discussion****Introduction**

10. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. Therefore, the proposal is considered in the context of the Tunbridge Wells

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Local Plan 2006 and the Kent and Medway Structure Plan 2006 and other material considerations including those arising from consultation, which are also taken into account.

11. The development site is currently used as tennis courts and is located to the south of the main school buildings, and adjacent to the Tunbridge Wells Sports and Indoor Tennis Centre and School's playing fields. The closest residential properties are located 30 metres to the west of the courts (see D1.2). Given the site's sensitive location relatively close to residential properties, being within the Kent Special Landscape Area and the Rural Fringe, the impacts on these elements of the environment are discussed below.

**Residential Amenity and Hours of Use**

12. Kent and Medway Structure Plan Policies QL1 and NR5 aim to protect the residential amenity from adverse impacts and development that could lead to unacceptable pollution. Additionally, Kent and Medway Structure Plan Policy QL11 seeks to ensure that provision for improvements of community services, including school sport facilities, is made. The proposal has to be assessed against those policies.
13. The proposal site slopes north-south, which results in the tennis court being sited lower than the school buildings to the north. Also the School's tennis courts are slightly higher than Santa Maria Farm, whilst Oaklea is located on land higher than the tennis courts. The new MUGA would be 30m away from those residential properties in Reynolds Lane and so the residents have objected to the proposal on the grounds of the risk of potential increase in noise pollution emanating from the improved courts, including noise from increased traffic. The concern is also raised that the new MUGA would be used seven days a week from mornings till late evenings.
14. The applicant states that the existing tennis court/hard surface play area, is already being used for a variety of sports. The approximate 20% increase in the hard surfacing of the play area is unlikely to result in a significant change to the number of people using the facility. The new porous tarmac surface would be marked in white for tennis, yellow for netball and blue for football and it is expected that the MUGA would be used by between 8-42 players at any one time, which again is similar to the currently observed levels of use. Further, the applicant noted that there is no restriction on the hours of use of the existing courts and the School has received no complaints about the noise. As the proposal does not include the installation of floodlights, the use of the MUGA would continue to be naturally limited to the hours of daylight.
15. I note that in 2004, when the Members of the County Planning Application Committee debated the planning application for the MUGA with floodlighting on the same site, it was accepted that there would be a potential for noise associated with the use of courts to be distinguishable at neighbouring properties. However, in that case the professional advice from the County Council's Noise Advisor was that the potential increase in noise would not cause significant adverse impact to noise amenity subject to restricting the hours of use. The hours of use of the facility with floodlighting were restricted to between 8.00 and 21.30 hours Mondays to Fridays, 9.00 and 21.30 Saturdays and 9.00 and 18.00 Sundays and Bank Holidays. Considering that there is no floodlighting proposed, the applicant would prefer that the hours of use remained limited by the hours of daylight as it is at the moment. Above all, it is also highly unlikely that the facility would be used in the late evenings.
16. Overall, I acknowledge that there would potentially be some intensification of use of the site resulting from an improvement to the sports facilities and therefore making them more attractive to the users. However, in my view, the proposed development, would not be materially different to that already existing. I would advise that the potential impact on

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the residential amenity, specifically the noise impact, is unlikely to be significant to warrant refusal of the application on these grounds.

**Traffic**

17. The applicant advises that the facility would be made available to the community in line with the national commitment to encourage shared use of school facilities. As a result, the impact of this on the local highway network has to be considered, especially that Kent and Medway Structure Plan Policies TP3 and TP19 require that development shall be well served by public transport, walking and cycling and adequate vehicle parking facilities are provided. Some concerns have been raised by local residents that disruption could result from traffic associated with the use of new MUGA. I would advise that the school is well positioned in relation to the public transport and residential areas so people will have choice of travel to the site. Also, I would advise that whilst there is the potential for more vehicles to visit the site as a result of the improvements to the sport facility and from encouraging greater community use of the MUGA (especially during weekends) generally the risk of unacceptable impacts on the public highway is unlikely. The MUGA would be used by staff and pupils during weekdays, which would not generate any additional trips. Any additional vehicles visiting the site during evenings and weekends would be able to use the parking spaces normally used by the school during normal school hours. That could be secured via a planning condition. The Area Transportation Manager raised no objection to the proposal and I support his view.

**Wider Landscape Impact and Rural Fringe**

18. The proposed site for the MUGA is within a Special Landscape Area and on land designated as Rural Fringe. It is not within the Green Belt. Kent and Medway Structure Plan Policy EN5 and Tunbridge Wells Local Plan Policy EN27 seek to protect and enhance the quality of the landscape, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.
19. The application is proposing to install a 3m high black weldmesh fence to the perimeter of the MUGA. The fence would be 50mm x 50mm spacing between wires, which is most likely to blend in with the trees and planting and the wider landscape beyond. It is again noted that the existing tennis courts are already fenced off with chainlink fence and so the visual change to the landscape context would be negligible. For that reason, I do not consider it to be detrimental to the character and appearance of the Special Landscape Area.
20. Additionally, Tunbridge Wells Local Plan Policy RF2 seeks to safeguard land within the Rural Fringe from development, unless the proposal would meet the needs of an established use on site. In this instance, the proposed development is located within an existing school site. The site is already hard surfaced and fenced off and used for sport activities, therefore I do not consider the proposal to be contrary to the principles of Policy RF2, and conclude that the development would be appropriate within its Rural Fringe location.

**Other Issues**

21. The received representations raised other issues about the potential impacts of the new MUGA on the natural environment, specifically local wildlife. I wish to advise that the MUGA would be largely on the footprint of an existing hard surface courts within extensive school grounds. Also, the construction of MUGA would not result in the removal of any trees or hedges. Therefore, there is little reason to agree that the natural environment would be significantly affected by the proposal.



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22. As to the question of development control responsibilities, the application is submitted under Regulation 3 of the Town and Country Planning Act General Regulations 1992 on the basis that the County Council as Education Authority has a significant interest in the development and the School is applying on behalf of the Education Authority. The application has therefore been correctly made.

**Conclusion**

23. Overall, I believe that the school would benefit from having the new improved facility, which would provide better access to a range of sporting activities. I consider that the siting and design of the MUGA would be of high quality and would not have any material effect on the character and appearance of the Special Landscape Area. Subject to imposition of conditions, I am of the opinion that the proposed development is unlikely to significantly compromise the amenity of local residents. Consequently, I advise that the proposed development is in accordance with the general principles of the Development Plan Policies and I recommend that the permission be granted subject to appropriate conditions.

**Recommendation**

24. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- Standard time limit;
- The development to be carried out in accordance with the permitted details;
- School car parking area shall be made available for the users of the MUGA after school hours;
- Tree and hedge protection during the installation;
- The development to be carried out in accordance with the permitted details.

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| Case Officer – Anna Michalska-Dober |
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| Background documents –See section heading |
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