

New artificial sports pitch and alterations to MUGA at  
 Ursuline College, Westgate-On-Sea TH/14/0826  
 (KCC/TH/0281/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 December 2014.

Application by Ursuline College for the construction of a new artificial sports pitch and alterations to existing Multi Use Games Area (MUGA) at Ursuline College, 225 Canterbury Road, Westgate-On-Sea, Kent – TH/14/0826 (KCC/TH/0281/2014)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Jeffrey Elenor

Classification: Unrestricted

### Site

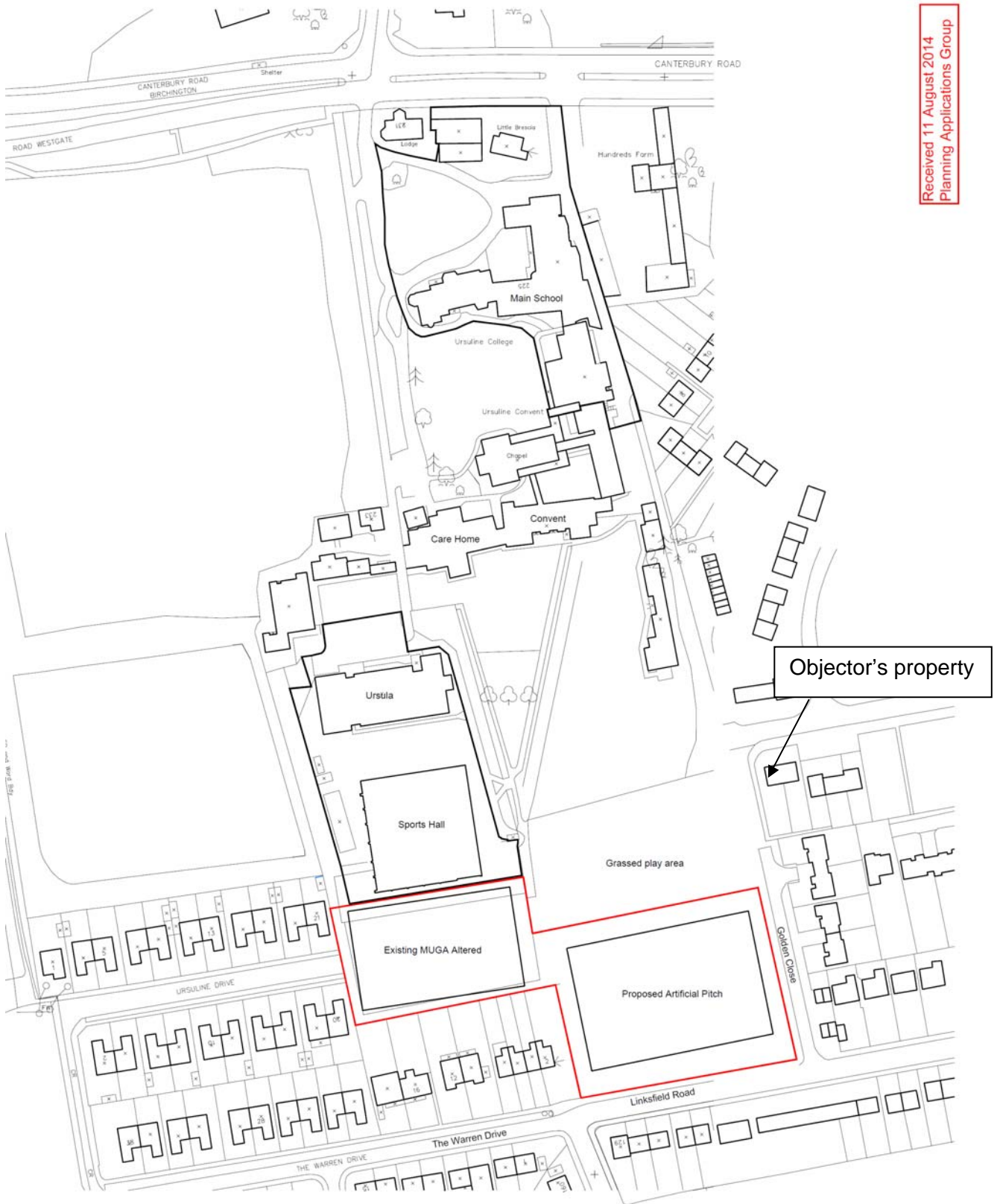
1. Ursuline College, a Voluntary Aided Roman Catholic co-educational secondary comprehensive school, is located on the southern side of Canterbury Road (A28) in Westgate-On-Sea. The school has a pupil roll of circa 770 students and 104 members of staff, with the catchment area extending beyond the immediate Thanet area.
2. The school site extends southwards from the dual carriageway, and comprises a mixture of the old traditional school buildings and new purpose built classrooms and a very modern sports hall, (along with a chapel, convent and nursing home). Access into the site is from the A28 only, with separate entrance and exit points, and the school is well served by public transport along this road.
3. At the very southern end of the school site (south of the sports hall) lies the existing MUGA and an area of grassed play space. That part of the site is bordered by residential streets - Ursuline Drive and The Warren Drive bound the existing MUGA and Linksfield Road and Golden Close run along the boundary of the grassed play space. An emergency access track enters the school site at the junction of Linksfield Road and The Warren Drive. The access is gated (and locked) with green wire mesh fencing which then runs along the remainder of this boundary, fronting Linksfield Road, with mature trees and hedging along its length as well.
4. The existing MUGA is enclosed by 3m (9.8 feet) high fencing, which runs along the boundary of the neighbouring properties, and extends to 5m (16.4 feet) in height adjoining the southern elevation of the sports hall.

### Background

5. In 2012 Members considered a similar planning application submitted by Ursuline College, for a new artificial sports pitch, 4 court multi use games area with floodlighting, a grass cycle circuit and cycle challenges on an existing sports field adjacent to Ursuline College, but on land owned by the adjacent King Ethelbert School. This application (TH/11/587) was approved in February 2012. Since this time Ursuline College have been in discussions with King Ethelbert School regarding the lease terms for the site, but have been unable to come to a suitable lease agreement to justify the investment required for the project.

Item D1  
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**General Location Plan**

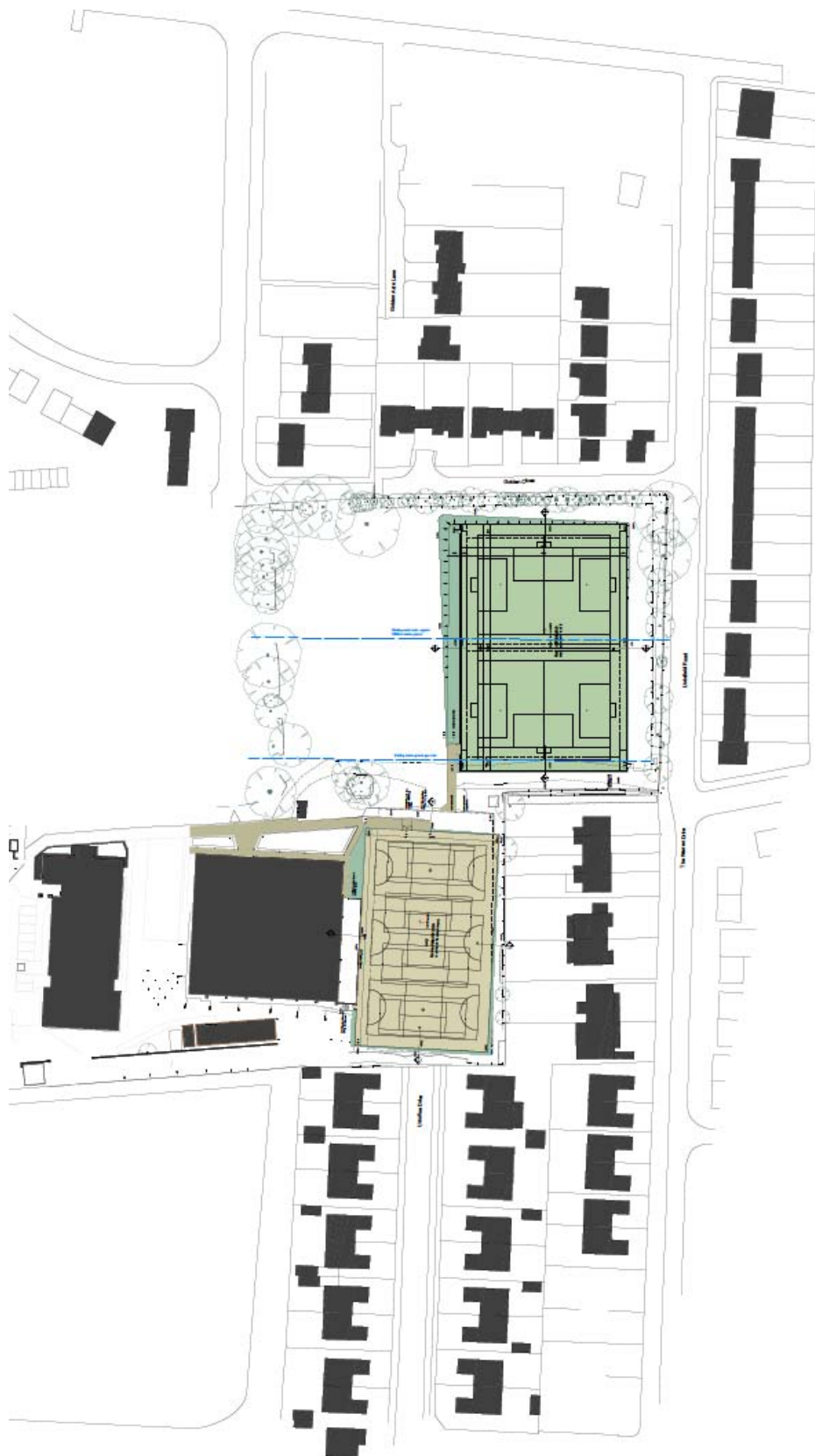


Received 11 August 2014  
Planning Applications Group

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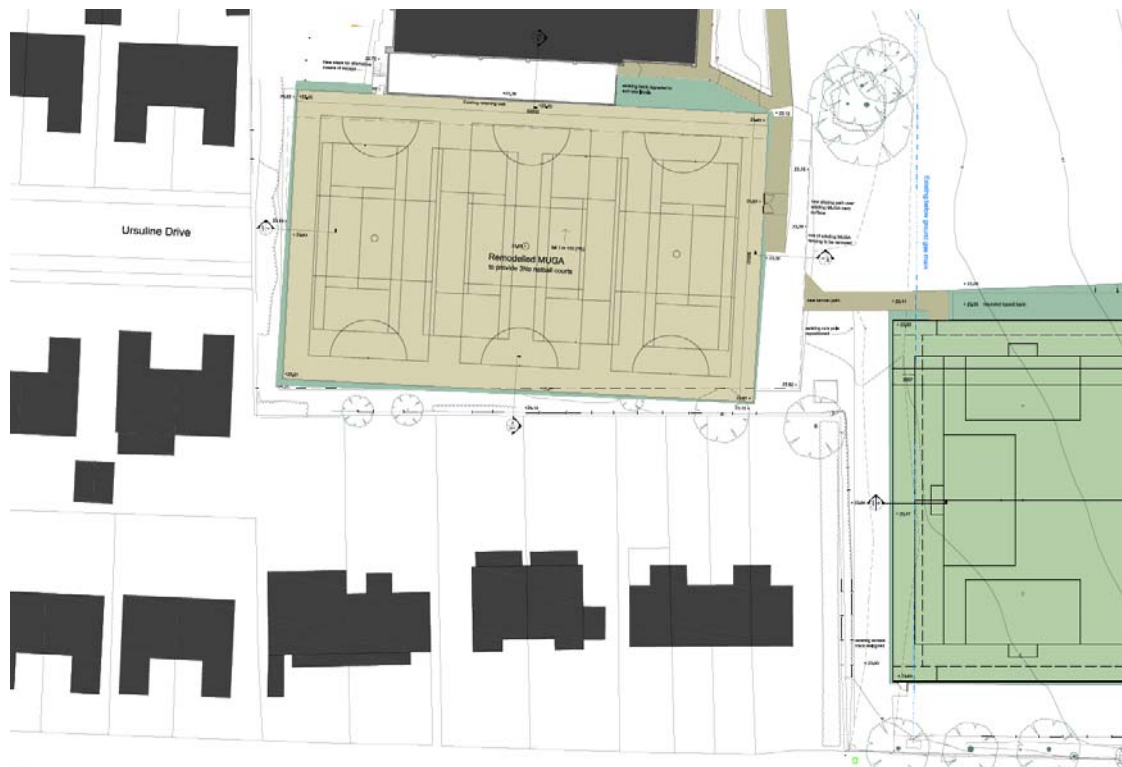
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**Site Layout Plan**

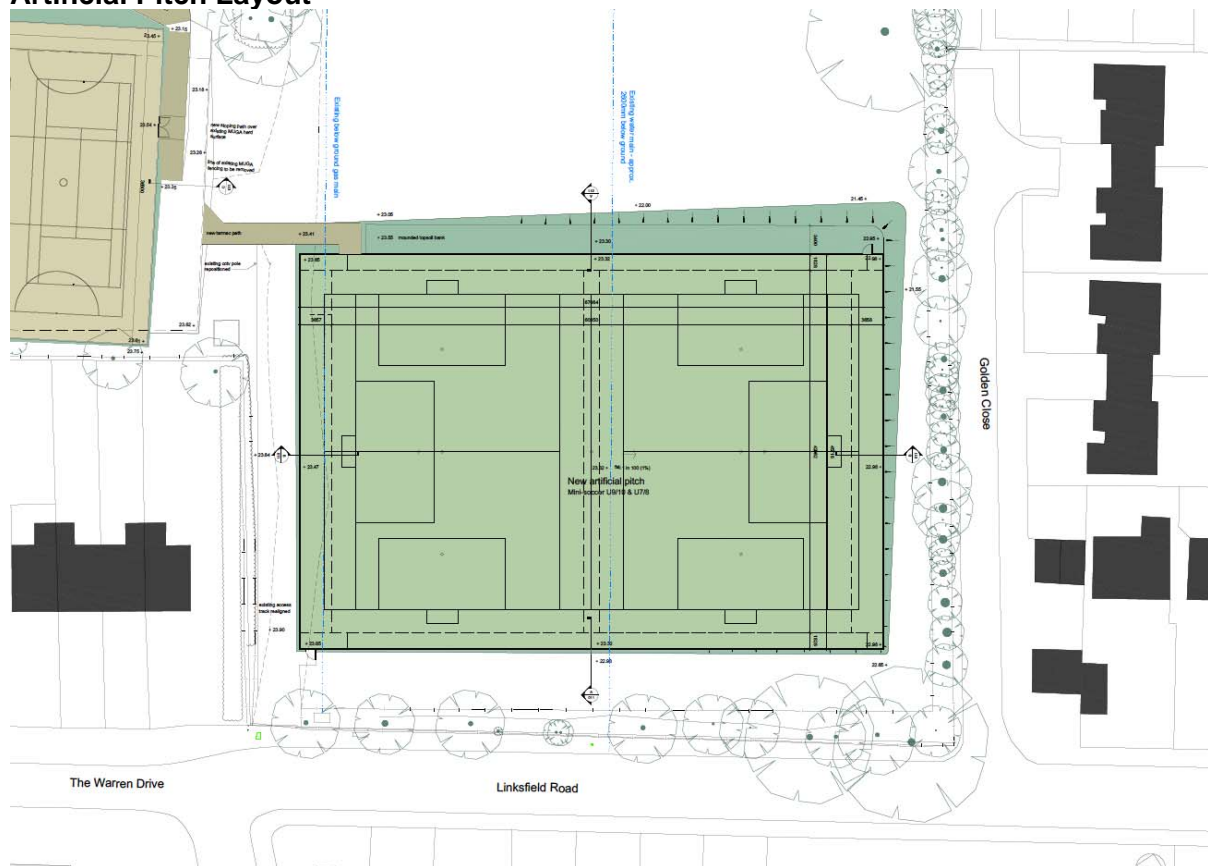


# New artificial sports pitch and alterations to existing MUGA at Ursuline College, Westgate-On-Sea – TH/14/0826

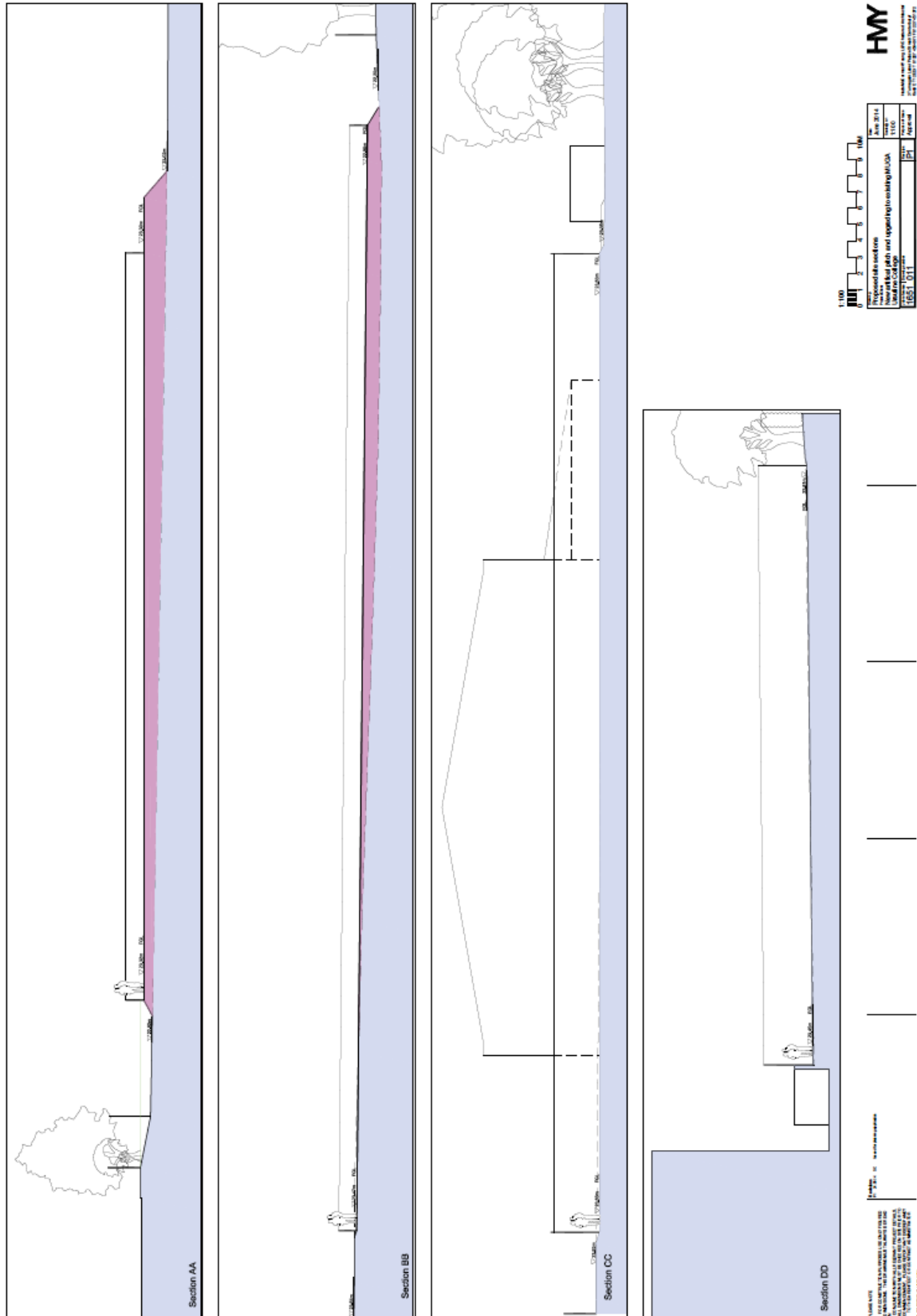
## MUGA Layout



## Artificial Pitch Layout



**Proposed Sections**



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They have therefore considered other options, and recently agreed a 20-year lease between the Diocese (Southwark) and the Trustees of the school site for the grassed area of land which is the subject of this planning application (see the attached site plan). This area of land is currently used as grassed social space for the students, but has in the past been used as tennis courts (from 1949 through to 1998), however always on an informal basis. The need for the lease has come about in readiness for the School's conversion to an Academy later in the year.

### Recent Site History

6. The most relevant recent site history is listed below:

TH/11/587 – New artificial sports pitch and 4 court Multi Use Games Area (MUGA) with floodlighting, grass cycle circuit and cycle challenges.  
Granted 21/02/2012

TH/05/1341 - Proposed 6 badminton court sports hall and climbing wall.  
Granted 22/03/2006

### Proposal

7. The existing MUGA is no longer fit for purpose as it does not comply with current Sport England requirements, and this limits the School's use of the space for competitive fixtures and training. It is therefore proposed to renovate the MUGA in its current location to provide three netball courts and four tennis courts (set out in accordance with the specifications for pitch size given by Sport England), enclosed by 3m (9.8 feet) high fencing. There would be some areas of cut and fill undertaken for the renovation, to ensure the pitches have a maximum fall of 1% (1 in 100) in one direction only. The MUGA would be surfaced in black macadam with coloured line markings appropriate for the particular sports.
8. The artificial sports pitch would be sited on the grassed playing field to the east of the MUGA and would be constructed with a green sand and rubber 3G surface, in accordance with Sport England's specification. The artificial pitch would provide 1 mini soccer U9/U10 pitch and 2 mini-soccer U7/U8 pitches, all to Football Association Standard. The U9/U10 pitch would be oriented east-west whilst the two U7/U8 pitches would be oriented north/south. The pitches would be enclosed with 1.1m (3.6 feet) high square weldmesh fencing, which is proposed to be coloured green with kickboards.
9. There would be small areas of banking round the edge of the sports pitch, which would be grassed. Short areas of footpaths would also be provided to access the new sports pitch, with a black macadam finish, to facilitate disabled access.
10. There would not be any floodlighting for the MUGA or sports pitches.
11. The proposed facilities are planned to be used out of core school hours for school related activities and community use. Out of hours use would be from 4pm-8pm during the months of April to October, and during school holiday periods and weekends from 9am-5pm. The facilities would not be open to the public on a 'pay and play' basis but rather would be used to enhance the existing community usage of the facilities – many of whom already use the school's sports hall and would simply transfer their activities outside.

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12. The land to be used for the new artificial sports pitch does not currently form any formally laid out playing field – the school's playing fields are located elsewhere within the school site.

### Planning Policy

13. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.
- That access to high quality open spaces and opportunities for sport and recreation are important in their contribution to health and well-being, and therefore that existing open space, sports and recreation facilities should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality.

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

### (ii) **Thanet Local Plan (2006)**

**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

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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 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 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, the intended use of 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



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provision for the parking of vehicles (including, where appropriate, service vehicles).

### Consultations

14. **Thanet District Council** considers that the principle of the proposal is acceptable in relation to the relevant policies of the Thanet Local Plan, but requests that the findings of the Noise Impact Assessment submitted with the application are verified, and if necessary appropriate conditions attached, to protect the residential amenities of the neighbouring properties.

**Kent County Council's Noise Consultants (AMEY)** have advised that the predicted ambient noise levels that would result from the proposed sports uses would fall within the World Health Organisation guideline level for this type of activity, and would therefore be acceptable in relation to the residential amenity of the occupants of neighbouring properties.

**The County Council's Biodiversity Officer** is satisfied with the information provided in the Ecological Appraisal.

**County Archaeological Officer** raises no objection subject to a condition securing a programme of archaeological work.

**The County Council's Landscape Officer** has no concerns about the MUGA from a landscape impact, subject to the imposition of conditions, and the suggestion that the fencing need not be green, but that a standard dark grey would be more appropriate.

**Sport England** has written to advise that they are satisfied that the development meets the Sport England exception policy E5, and this being the case they raise no objection subject to the imposition of a condition requiring the submission of a community use agreement.

**Kent County Council Highways and Transportation** raise no objection subject to the imposition of various conditions.

### Local Member

15. The local County Member, Mr Jeffrey Elenor was notified of the application on 4<sup>th</sup> September, but no comments have been received to date.

### Publicity

16. The application was publicised by the posting of a site notice along the southern boundary of the site, and the individual notification of 53 residential properties.

### Representations

17. In response to the publicity, 1 letter of representation has been received. The key points raised can be summarised as follows:
- The proposals would increase in noise pollution in a residential area
  - The proposals would particularly affect shift workers
  - Shouting from teachers and screaming from children will far exceed the decibel

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levels stated in the application details.

*(The location of the objector's property is highlighted on the attached site plan.)*

## Discussion

18. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 14 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations relate to the principle of the development in land classed as 'green wedge' and 'countryside'; the layout, design of the pitches and impact of the fencing; the amenity considerations for neighbouring properties due to noise disturbance; and the highway and traffic implications of the use of the pitches outside of school hours.

## Principle of Development

19. Although the development site is located within land classified as being 'green wedge' and 'countryside' in the Thanet Local Plan, it is intrinsically part of the established Ursuline School site and also located amongst built residential development, and south of the main A28 dual carriageway. It does not form any open agricultural land, which needs to be protected in the spirit of the wording of the policies (as outlined above) from coalescence of built development. The proposal is for open sports and recreational uses, which Policy CC5 permits, within the school envelope and as such it is considered that the principle of this development does not conflict with the aims of Policies CC1 and CC5.
20. Policy SR1 of the Thanet Local Plan states that proposals for 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; 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. In this case it is considered that the proposal meets the aims of Policy SR1 in that it adjoins the defined urban area, would be compatible with the surrounding education facilities and establishments, it being well located in terms of access from the A28 and the public transport options that also use this route, and that there would be no 'built development' other than the required fencing.
21. Thanet District Council has reiterated this view in their response to KCC, where no objection has been raised to the principle of development in light of the aforementioned policies.

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### **Layout, design and impact of fencing**

22. The existing MUGA is simply to be refurbished in its original setting, and as such the impact of this development is considered to be minimal, given no significant change in its use. The School propose to reuse the perimeter fencing as far as possible at a height of 3m (9.8 feet), and the resurfacing of the area, combined with the artificial pitch development can only serve to improve and enhance the appearance of the MUGA in this area.
23. The area to the east, which would be used for the artificial pitch, is currently simply mown and maintained as a grassed field. The artificial pitch would require the minor re-grading of the field to achieve the required level, which would result in the eastern and northern edges of the pitch being built up with a grassed bank, which at the greatest point would be 1.5m (4.9 feet) above the existing field level. The fencing around the pitch would be to a height of 1.5m (4.9 feet) only.
24. The artificial pitch would be set behind the existing perimeter fencing and tree/hedge screening along Linksfield Road and given that there would be no change in levels along this southern edge of the pitch it is considered that the new sports field would have an extremely limited visual impact on the surrounding residential area. The school boundary treatment would by far exceed the height of the proposed pitch-side fence, and even with the additional height from the areas of re-graded land, it is considered that the impact of the wire mesh fence would be minimal, due to its very open nature.

### **Amenity considerations due to noise impact**

25. The proposed MUGA and artificial pitch would be located within an existing school site, where there is already a degree of noise pollution to be expected by those residents living in close proximity to the area. In addition to use during school hours, the new sports facilities are proposed to be available outside of school hours as well. No floodlighting has been proposed with this current application, as a result of discussions with other site users (whereas the previously approved scheme in 2012 did involve floodlighting), therefore the hours of use are limited to those of daylight and are thus proposed to be 4pm-8pm weekday evenings in the months of April to October, and from 9am to 5pm at the weekends and during school holiday periods.
26. An hours of use condition is proposed to ensure that the MUGA and artificial pitch are only used during the hours set out above to protect the amenities of the occupants of neighbouring properties.
27. The application has been accompanied by a Noise Impact Assessment, which has simulated the worst-case operational scenario of the use of the proposed artificial pitch on nearby noise receptors located in Golden Close, Linksfield Road and Warren Drive (i.e. the east, south and west of the proposed pitch). This has been achieved by applying the worst-case noise levels recorded from the MUGA use and applying it to the proposed artificial pitch. The calculated noise levels have then been assessed against the outdoor levels recommended by the World Health Organisation (WHO) Guidelines for Community Noise. These guidelines state that to protect the majority of people from being seriously annoyed during the daytime, the sound level on balconies, terraces and outdoor living areas should not exceed 55db  $L_{Aeq}$  for a steady continuous noise. The Noise Impact Assessment concludes that the proposed development, based on the simulated calculations carried out, would not exceed this level and therefore no additional noise mitigation measures are proposed or considered necessary.

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28. One letter of objection has been received raising concerns over the likely noise the use would generate and the accuracy of the findings in the report submitted by the School. In order to ensure the validity of the report findings and that the impact on neighbouring residents has been properly assessed, the Council's own Noise Consultants were asked to comment on the application. As a result of this further information was sought from the applicant to verify that the type of sports use on the artificial pitch had been properly evaluated (i.e. the noise associated with football and rugby rather than the noise associated with tennis or netball). The findings again showed that the noise levels would fall below the World Health organisation guideline of 55dB, and as a result that no mitigation measures would be necessary.
29. Furthermore it should be noted that the objector's property lies further away from the proposed artificial pitch than the closest noise receptor used in the submitted report. The Council's noise consultants have confirmed that properties located further away from the receptors would generally experience a lower level of noise (attributable to the activities taking place on the sports pitch), therefore the noise levels experienced by the objector would again be lower than those already shown to be within the WHO guidelines. The proposed sports uses in my view would therefore be acceptable in relation to the residential amenity of neighbouring residential occupants.

### Highway and Traffic Implications

30. Access for users of the proposed pitches would be via the existing school entrance and exit points from the A28, Canterbury Road. The school currently has 60 parking spaces on site, 3 of which are used for minibuses. When the pitches are used outside of school hours the existing school parking would be available for use, and this includes the out of school hours parking in front of the St Ursula building which is also used by the Sports Centre. 25 cycle spaces are available adjacent to the sports centre on the main site. There is a frequent bus service along the A28 for those using public transport and Westgate-On-Sea railway station is a 15 minute walk from the school.
31. KCC Highways and Transportation officers have considered the application and have raised no objection to the scheme subject to the imposition of conditions covering the submission of details for the parking of construction vehicles and site personnel/operatives throughout the construction period; that room be made on site for the loading and unloading of construction vehicles; that car parking within the school site be made available to users of the new sports facilities; and that no pedestrian access to the sports pitch be provided from Linksfield Road to the south, in order to prevent any parking taking place on this residential road.
32. It is therefore considered that subject to these conditions the scheme would be acceptable and in accordance with Policies TR12 and TR16 of the Thanet Local Plan.

### Other Matters

#### Landscape and Ecological Matters

33. The County Council's landscape officer has commented that the site is well screened from adjacent roads and neighbouring properties and that the visual impact of the development would be minimal. They have suggested that the need for the fence to be green is unnecessary, as the artificial green colour fails to blend in with the surroundings, and suggest that a less visible dark grey colour would be preferable. That colour treatment could be covered by a condition.

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34. A number of small trees would be removed from the site to enable the refurbishment of the MUGA, and this has been set out in the submitted Arboricultural Report. Should the application be approved, a condition has been suggested that requires the works to be carried out in accordance with this report and that any trees that are removed are replaced elsewhere on the site.
35. An Ecological Appraisal also accompanied the application, which addressed protected species such as reptiles, bats, breeding birds, badgers, hedgehogs and toads. There is a small building close to the sports hall, MUGA and grassed space which has the potential for roosting bats, but the applicants have confirmed that this building would not be removed or affected by the development. As no floodlighting is proposed there would be limited potential for the foraging or commuting of bats to be affected by the development.
36. As the site is suitable for both reptiles and breeding birds, the County Council's Ecologist has advised that any works should be carried out in accordance with the mitigation set out in the Appraisal, and this can be covered by a condition should permission be granted.
37. The Appraisal also suggested that a 2m buffer strip be created around the boundary of the site and enhanced for biodiversity, in accordance with the aims of the NPPF and again that could be secured via a condition.

### **Archaeological Impact**

38. The site lies in an area of known important prehistoric remains including Bronze Age barrows and Iron Age and later activity. Extensive archaeological remains were located during formal archaeological works by Trust for Thanet Archaeology in 2011 and 2012 but this work did not include the site currently covered by this application which lies to the south of the areas previously investigated. It is therefore possible that development would affect archaeological remains and therefore the County's Archaeologist has requested that a condition be imposed on any consent given for a programme of archaeological work to be carried out to ensure that any features of archaeological interest are properly examined and recorded. With the imposition of such a condition it is considered that the development would accord with the aims of Policy HE12 of the Thanet Local Plan.

### **Sport England**

39. Sport England were consulted on the planning application and have advised that the proposed development would meet policy exception E5, in that the development would be "...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." Under the circumstances, they raise no objection to the application subject to the imposition of a condition to ensure a community use agreement be put in place.

### **Construction Matters**

40. Given that there are neighbouring residential properties, if planning permission is granted I consider that it is appropriate to impose a condition restricting hours of construction to protect residential amenity (Monday to Friday between 0800 and 1800; Saturday 0900 to 1300; and no operations on Sundays or public holidays).

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41. Should permission be granted a condition requiring the submission of a full Construction Management Strategy prior to commencement of development is considered appropriate. That should include details of how the site access would be managed (especially during school hours), details of the methods and hours of working, location of site compounds and operative/visitor parking, details of site security and safety measures, lorry waiting and wheel washing facilities and details of any construction access.
42. In addition to the above, should permission be granted, I consider that a further condition to ensure that dust and mud are not deposited on the highway would also be appropriate, to minimise disruption to local residents.

### Conclusion

43. The application has been considered on its own merits and in the light of the NPPF, the Planning for Schools Development Policy Statement and the Development Plan, and comments received raising concerns about the potential noise disturbance. I consider that the proposed MUGA and artificial sports pitch would be acceptable in terms of its layout on site, the appearance of the fencing and artificial surfaces. The site would be easily accessible via a good highway network, and the out of hours use would be limited to the hours of daylight, without any floodlighting. The predicted noise levels have been shown to fall within the WHO guidelines and the scheme would therefore not cause any disturbance to the residential amenity of the neighbouring residents. I therefore consider that the development accords with the principles of sustainable development as set out in the NPPF.
44. Therefore, subject to the imposition of conditions, I consider that the development would not give rise to any material harm, and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies, the Planning Statement and the guidance contained in the NPPF, and that permission should therefore be granted.

### Recommendation

45. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
  - The standard 5 year time limit;
  - The development to be carried out in accordance with the permitted details;
  - The submission and approval of details of the colour of the fencing to be used;
  - The protection of the trees to be retained;
  - The replanting of trees on site to compensate for those removed;
  - The development being carried out in accordance with the ecological mitigation strategy including the provision of the buffer strip for biodiversity;
  - The 'out of school' hours use of the MUGA and Artificial Pitch be restricted to 4pm to 8pm Monday to Friday during the months of April to October inclusive and from 9am to 5pm on weekends and during school holidays;
  - No pedestrian access to the sports pitch be permitted from Linksfield Road;
  - Car parking within the school site be made available out of school hours for the wider community use;
  - Measures to be taken to prevent mud and debris being deposited on the public highway;

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- Hours of working during construction to be restricted to 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 or Bank Holidays;
- The submission of a Construction Management Plan, providing details of access, parking and circulation within the site for contractors, site personnel and other operatives & management of the site access to avoid peak school times;
- The submission and approval of details of a Community Use Agreement in consultation with Sport England;
- The implementation of a programme of archaeological work, to be submitted and approved in writing.

Case Officer: Helen Edwards
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Tel. no: 03000 413366
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Background documents: See section heading
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