

**Construction of a new multi-use games area (MUGA) at St Gregory's Catholic School, Reynolds Lane, Tunbridge Wells, TW/09/3978**

A report by Head of Planning Applications Group to Planning Applications Committee on 17 February 2010.

Application by St Gregory's Catholic School and Kent County Council Property Group for construction of a new multi-use games area (MUGA) with enclosure fencing at the St Gregory's Catholic School, Reynolds Lane, Tunbridge Wells (Ref: TW/09/3978)

Recommendation: Permission be granted subject to conditions.

**Local Member(s): Mr R Bullock**

**Classification: Unrestricted**

**Site**

1. St Gregory's Catholic School lies to the north of Tunbridge Wells and to the south of Southborough. The application site is located within the playing fields to the south of the school. To the north of the application area there are currently tennis courts, to the south school playing fields, to the east Tunbridge Wells Grammar School for Boys playing fields, where permission has recently been granted for a multi-sports pitch (predominantly for rugby and soccer), with associated car parking and landscaping (application reference TW/09/79), and to the west, a tree lined boundary and beyond a mix of residential property and undeveloped land in the Metropolitan Green Belt (MGB). The boundary of the MGB runs to the west of the site along Reynolds Lane. The site is located within a Special Landscape Area and the rural urban fringe. A site location plan is attached.

**Background**

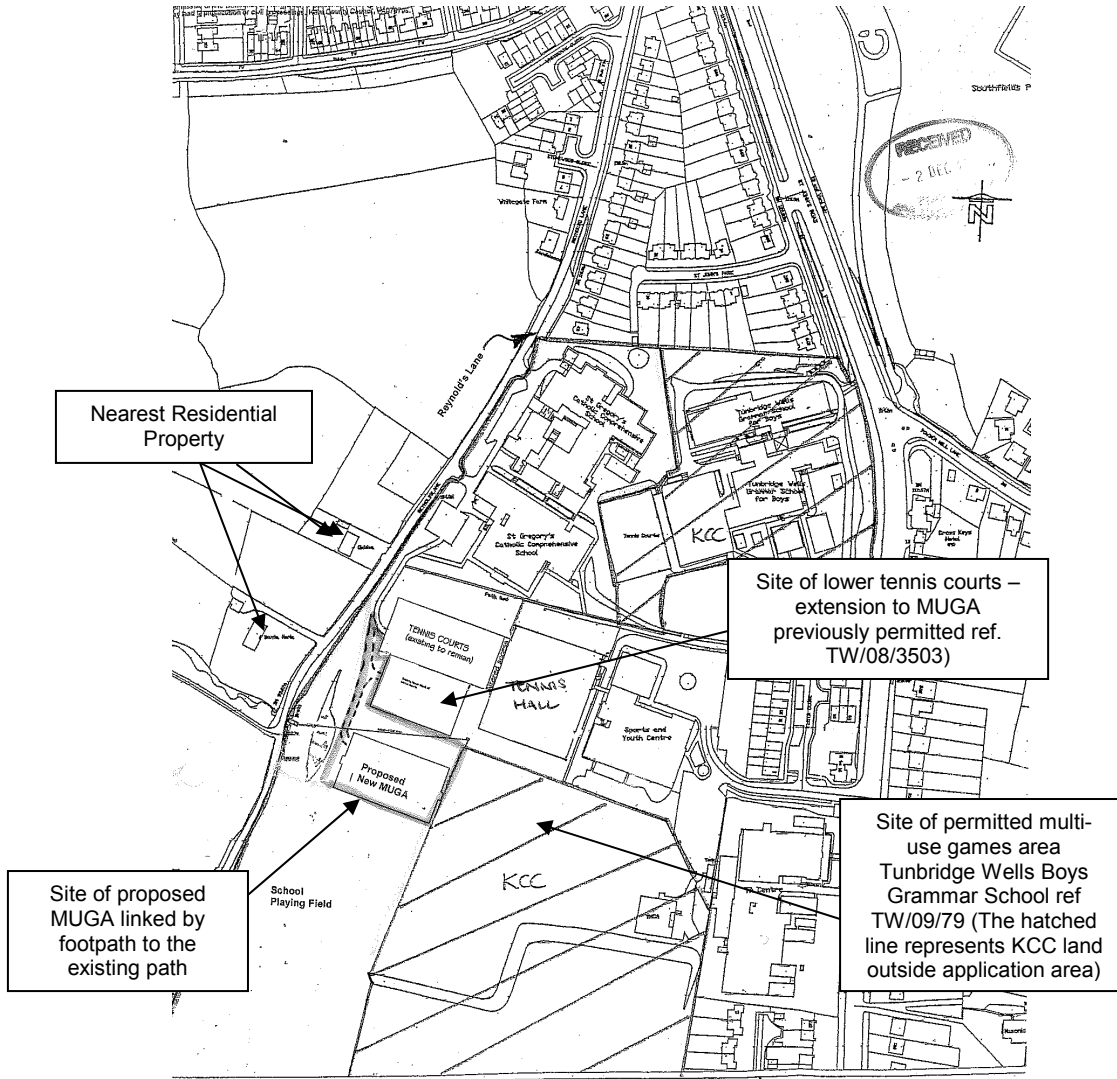
2. Within the school grounds there are two (upper and lower) adjacent and fenced tennis courts to the south of the school buildings. In 2004 a proposal for a multi use games area with floodlighting to the lower tennis courts was granted. That permission was not implemented and lapsed in 2007. In December 2008 the Planning Applications Committee considered a proposal for a similar scheme to that previously permitted, for the conversion of tennis courts to multi-use games area (MUGA) but without floodlighting (reference TW/08/3503), for which planning permission was granted. However, that development is unable to proceed as it has since been found that an adopted sewer runs through the site and cannot be built over. Its location prevents extension and conversion of the existing tennis court. The School is therefore now proposing to build a new MUGA, 18 metres to the south of the existing tennis courts.

**Proposal**

3. Plans showing the layout and dimensions of the proposed MUGA are attached.

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**Site location plan**

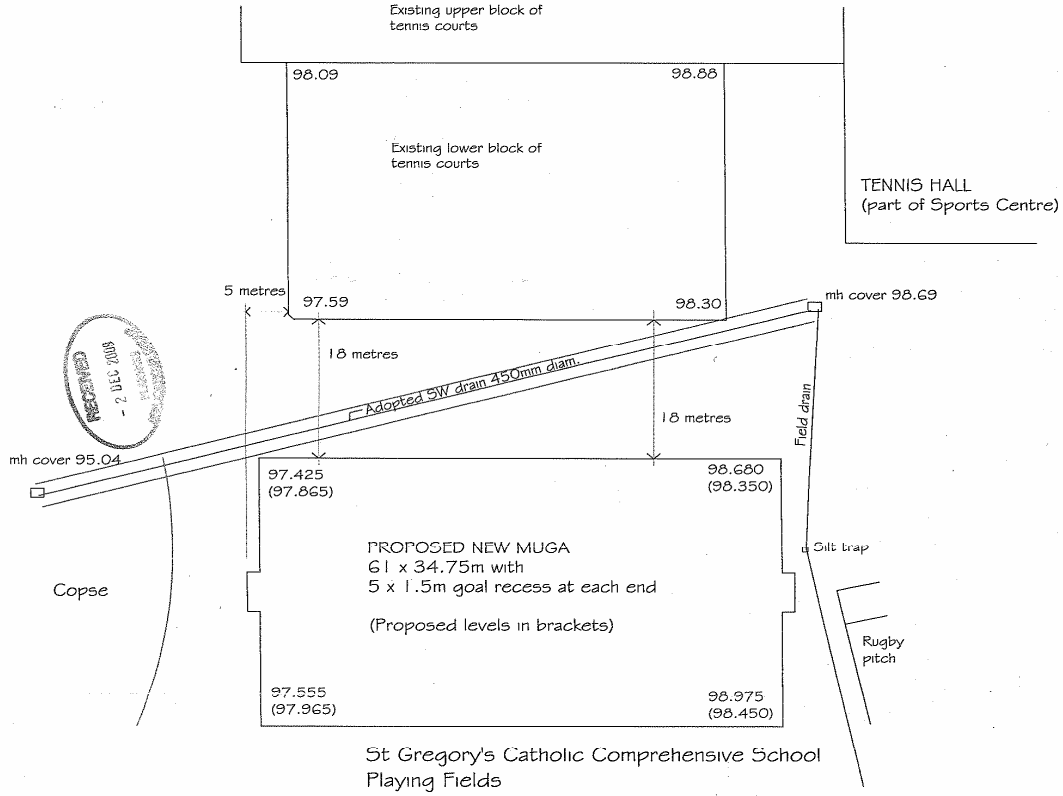


Proposed New MUGA at St Gregory's Catholic Comprehensive School, Reynold's Lane, Tunbridge Wells LOCATION PLAN Scale 1:2500

30<sup>th</sup> November 2009 Drawing no. TMC/09/01

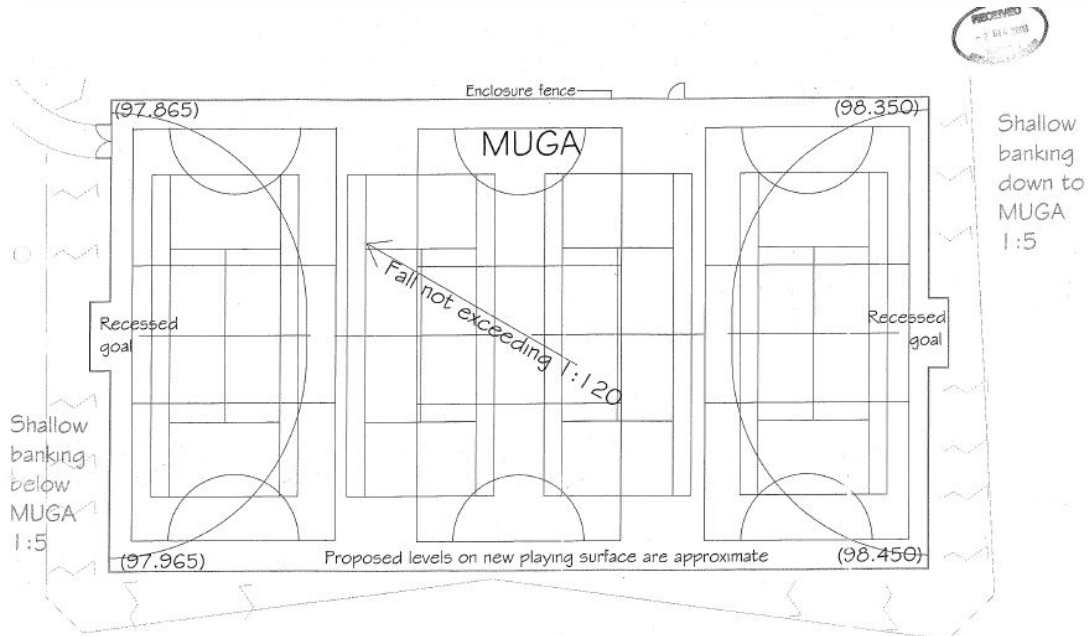
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**MUGA layouts**

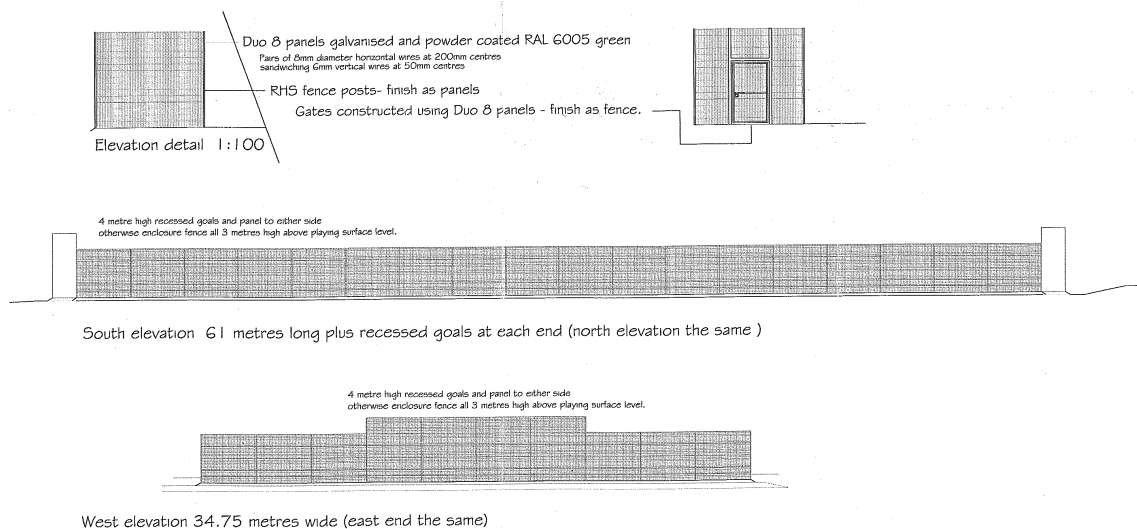


PLAN 1:500

Drwg no. TMC/09/02



St Gregory's Catholic Comprehensive School Proposed MUGA  
PLAN 1:200 Drwg. no. TMC/09/03

**Construction of a new multi-use games area (MUGA) at St Gregory's Catholic School, Reynolds Lane, Tunbridge Wells****MUGA fencing**

4. The application proposes a new site, close to the previously permitted site, for the MUGA which would be used all year round for tennis, 5 aside football and netball. A rectangular area of ground 61m x 34.75m, with two goal recesses measuring 5m x 1.5m, at each end would be stripped of topsoil.
5. The topsoil would be reused to take out the shallow gradient in the ground between the MUGA and the tennis courts to improve the natural grass sports playing surface in this area. A shallow cut and fill operation on the exposed subsoil would be carried out followed by placement of a foundation layer of stone and two layers of porous macadam which would be colour sprayed green and marked with play lines, creating the MUGA play surface. It is proposed to enclose the MUGA with 3m high green powder coated galvanised panel fencing supported on rectangular hollow section steel posts. A 4m fence height is proposed behind the recessed goals and for an additional 2.5 m width at each end in order to contain the ball within the MUGA. A pair of player entrance and maintenance access gates is proposed in the north east corner and a second pedestrian access via a new extension to the existing footpath between the school and the existing tennis courts. Access to the courts will be by foot via the school playing field or via the extended footpath.
6. The temporary access for construction purposes is proposed to be via the Tunbridge Wells Boys Grammar school where there is an existing field gate from the adjacent Sports Centre Car Park, providing access to the school playing field.
7. It is intended that the MUGA be used only by St Gregory's Catholic School and there are no plans for a wider community or shared use. The proposal does not include floodlighting and so the use would be in daylight hours between 0845 and 1900 hours, during the school day with afterschool matches and very occasional weekend use by the school.

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**Planning Policy**

8. The Development Plan policies summarised below are relevant to consideration of the application:

(i) **The South East Plan (2009):**

- Policy CC1 Seeks to achieve and maintain sustainable development in the region.  
Policy CC4 The design and construction of all new development will be expected to adopt and incorporate sustainable construction standards and techniques.  
Policy CC6 Seeks to create sustainable and distinctive communities via development which respects the character and distinctiveness of settlements and promotes a high quality built environment.  
Policy BE1 Seeks to promote and support design solution opportunities with new development that are relevant to context, local character and distinctiveness and sense of place.  
Policy NRM10 Measures to address and reduce noise pollution will be taken into consideration at the local level.  
Policy S5 Increased and sustainable participation in sport should be encouraged by local planning authorities.

(ii) **Tunbridge Wells Local Plan 2006:**

- Policy EN27 Seeks to protect Special Landscape Areas by permitting development proposals only where they would cause no significant harm to the important landscape character of the area.  
Policy LBD1 Seeks to restrict development outside the limits to built development as defined in the Plan by allowing development only in accordance with development plan rural settlement and countryside policies.  
Policy EN1 New development proposals should be well designed, respect the setting and be compatible with neighbouring uses, and not cause significant harm to the amenities and character of the area.  
Policy RF1 Designates land as rural fringe.  
Policy RF2 Safeguards land in the rural fringe from development to meet longer term needs, unless the development meets the needs of an established use on the site or would be for temporary development and respects the special characteristics and constraints of the site.

**Consultations**

9. **Tunbridge Wells Borough Council** raises no objections provided that the County Council is satisfied that there would be no adverse impact on the nearby trees and a condition is imposed controlling the installation of floodlights.

**Sport England** does not object to the application as in their view, the provision of the sports facility outweighs the detriment caused by the loss of the playing field.

**Local Member(s)**

10. The local County Member, Mr R Bullock was notified of the application on the 16<sup>th</sup> December 2009.

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**Publicity**

11. The application was publicised by the posting of a site notice and the individual notification of residential properties within 90m of the proposed MUGA.

**Representations**

12. Representation has been received from one neighbouring residential property. Concern is expressed relating to:

- the potential for noisy anti-social outdoor use, too close to existing dwellings resulting in a destruction of the amenity and a breach of human rights to those residing in nearby residential property;
- states that there is not provision to exclude noise, disturbance and light pollution;
- states that there is not provision to deal with additional traffic generated by the proposal;
- the hours of use and the disruption to amenity of residents in the locality from use after school and at night;
- the choice of this specific location of the school playing fields for the MUGA opposed to other possible locations of the school playing fields which may be further away from residential property;
- that the proposal is "bad neighbour" development which is inappropriate in the chosen location.

**Discussion**

13. The application has arisen because previously permitted applications for a MUGA at the site have either time-expired or are unable to be developed because of the physical constraints resulting from the line of an adopted sewer that cannot be built over at the site. These constraints prevent conversion and extension of the existing lower tennis court and prompted proposals for a new site close to the existing courts.

14. The principle for the development of a MUGA at the site has already been accepted by the granting of the previous permissions at the site. The volume of use of sports facilities required to meet the school sports curriculum is such that the sharing or use of existing and proposed facilities nearby is not practical and the existing facilities do not meet the School's need.

15. The application needs to be determined in accordance with the relevant Development Plan policies unless material considerations indicate otherwise. The proposal therefore needs to be considered in the context of the planning policy detailed in paragraph 8 above and those matters arising from the consultations undertaken and which are material considerations.

16. Policy CC6 and BE1 of the South East Plan 2009 and EN1 of the Tunbridge Wells Local Plan (2006) require development proposals to respect the local character and context of the area, without causing significant harm to the amenities and character of the area. This site is in a Special Landscape Area and is rural urban fringe and the proposal therefore needs to be considered also in this context. Policy EN27 of the Tunbridge Wells Local Plan seeks to protect such areas by only allowing proposals that cause no significant harm. The Plan's rural fringe policies (RF1& RF2) safeguard land in such areas to meet longer term needs unless the development meets the needs of an

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established use on the site, or would be for temporary development and respects the special characteristics and constraints of the site.

17. The current use of the proposed site is school playing fields for outdoor sports use, mainly cricket and athletics, and so a sports use by St Gregory's School with its associated impacts already exists at the site. Whilst it would be preferable for the existing lower tennis court to be extended, rather than for additional playing field to be used, this option is not reasonably possible and the proposed site effectively allows a grouping of similar sports activities together. There is an established school use at the site and the proposed development meets the needs of this established use.
18. The north western corner of the proposed new MUGA is approximately 73m from the nearest residential property (to the building edge) and 50m from the western edge of Reynolds Lane, beyond which lies the grounds of the nearest residential property. Between the MUGA and the nearest residential property it is proposed to extend the existing footpath from the existing tennis courts to the MUGA and this is approximately 60m from the nearest residential building. A wooded copse lies to the west of the proposed MUGA which would screen the development from the nearest residential property and from the road. It is not proposed to remove any trees in connection with the proposal.
19. The County Council's Landscape Advisor raised no objection to a neighbouring proposal (to the east of this proposal), at Tunbridge Wells Boys Grammar, which was decided at the Planning Applications Committee in July 2009. That proposal was considered to detract slightly from the open character of the existing school playing field at the Tunbridge Wells Boys Grammar School and to add to other urban edge features but was not expected to have any significant adverse effects on the wider landscape. I consider that this proposal also detracts slightly from the open character of the existing school playing field at this site, particularly as the Boys Grammar School proposal has not yet been developed. Likewise, it adds to other urban edge features. However, I consider that it would not have any significant effects on the wider landscape.
20. The proposal would not give rise to additional light disturbance as no artificial lighting is proposed. Additional traffic to that currently existing at the site is not expected as wider community use of the proposal is not being proposed. Existing car parking arrangements at the school would continue to be used in connection with the site and only pedestrian access to the MUGA is proposed and this is limited to during daylight hours. Grouping of the facility with the existing tennis courts allows ease of non vehicular access from the main school site via extension to the existing school footpath and via a new path between the lower tennis court and the proposed MUGA.
21. The main impact from this proposal results from the potential for an intensification of the established activities as a result of improvement to the existing school sports facilities in this part of the school playing field, and use throughout the year rather than more seasonal uses. However, the proposed use would be restricted to the School's use only and is governed by the needs of the school timetable during normal school hours during term time, with very occasional afterschool and weekend activity within daylight hours. The most effective way of controlling noise impacts at such sites is by controls on hours of use and restrictions of use to daylight hours which could be controlled by condition.
22. Tunbridge Wells Local Plan Policy EN1 seeks to protect residential amenity from adverse impacts and development that could lead to unacceptable pollution. In this case,

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the nearest residential property is at least 50m from the site and the proposal needs to be considered in relation to impacts on such property. However, I note that this proposal moves the proposed site of the MUGA further to the south from the previously permitted proposal on the lower tennis courts and therefore further away from residential property. The additional distance between the revised site and the nearest residential property that this proposal offers further limits the potential for adverse noise impacts from this proposal on neighbouring residential amenity, although impacts when the MUGA is in use at the same time as the existing tennis courts may arise but these are unlikely to be significant.

23. Furthermore, in 2004, Members considered a proposal for a floodlit MUGA on the lower tennis courts. It was considered that there would be a potential for noise distinguishable at neighbouring property associated with the use of those facilities but that the 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 to between 0800 and 2130 Monday to Friday and 0900 to 2130 Saturdays and 0900 and 1800 Sundays. This proposal is further away from residential property, would be for use between 0845 and 1900 hours and no artificial lighting has been proposed. It is therefore unlikely in my view that the potential increase in noise resulting from the current proposal would cause significant adverse impacts.
24. Residents consider that this application is contrary to the Human Rights Act. This Act seeks to protect the rights of individuals but clearly the individual interests raised by this development proposal need to be balanced against the wider public interest. I consider that the impacts of this development on the amenity of local residents has been addressed throughout this report and that various conditions would be imposed on the planning consent should permission be granted, to mitigate the impact of the development on the amenity of the area. The application has been considered in terms of the Development Plan Policies and it is considered that the development would accord with the principles and objectives of such policies, including those concerned with protecting residential and local amenity.

**Conclusion**

25. Whilst the site is in a sensitive location, because of its location in a Special Landscape Area, and in the rural urban fringe this development is to meet the needs of an established use of the site and, in my view it is unlikely to have significant adverse impacts on the amenities and character of the area. I consider that the proposal is in accordance with general principles of the Development Plan Policies and no material considerations indicate otherwise.

**Recommendation**

26. I RECOMMEND that permission BE GRANTED SUBJECT TO CONDITIONS restricting the use of the facility to school use, restricting usage to 0845 and 1900 hours with very occasional weekend use during the same hours, in term time only and requiring car parking spaces within the school to be made available whilst the MUGA is being used after school hours.

Case officer – Hazel Mallett	01622 221075
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Background documents - See section heading
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