



4 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries (these will need to avoid school drop-off and pick-up periods)
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

5 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

6 Within 3 months of works commencing a plan demonstrating what ecological enhancements will be incorporated into the site must be submitted to the LPA for written approval. The plan must be implemented as approved. This shall also include details of three replacement trees, their species, and location, as agreed in writing by the applicant's agent.

**GROUND:**

In accordance with the requirements of the National Planning Policy Framework and policies SP30 and QD02 of the Thanet Local Plan.

7 Prior to the first use of the building hereby approved, a sound limiting device shall be installed. All live and recorded music must be played through the sound limiter. The overall Music Noise Level (Leq 5mins) must not exceed 10dB below the Background Noise Level (LA90) without the Music Noise Level present, in each octave band at the nearest noise sensitive location. This shall be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**GROUND;**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

8 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND**

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

9 The 3m run-off between the sports hall and the football pitch to the north shall be in place prior to the first use of the building hereby approved, in accordance with the submitted pitch run-off plan received 20/12/2020, and thereafter maintained.

**GROUND;**

In the interests of health and safety.

10 All external lighting on the building hereby approved shall be turned off when the building is not in use. Where this is not possible motion-sensored lighting shall be used, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND;**

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

11 The building hereby approved shall not be used other than between the hours of 08:00AM and 16:30PM Monday to Friday during term time, 09:00AM to 22:00PM Monday to Friday during school holidays, and 08:00AM and 22:00PM Saturdays and bank holidays, and 09:00AM and 20:00PM on Sundays.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

12 During periods of hire, the existing school car park shall be made available for all attendees and parties using the hall hereby approved and shall be available during for the duration of the use.

**GROUND;**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan, and to ensure no additional parking pressure in the surrounding area.

**INFORMATIVES**

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: [southernwater.co.uk/developing](https://southernwater.co.uk/developing) and please read the New Connections Services Charging Arrangements documents which are available on their website via the following link: [southernwater.co.uk/connection-charging-arrangements](https://southernwater.co.uk/connection-charging-arrangements).

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order

to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

## SITE, LOCATION AND DESCRIPTION

Upton School is an established primary school site on the western side of Edge End Road. It is bounded by low and colourful fencing and much of the site is obscured by a large degree of tree cover and natural vegetation particularly to the front boundary. Other parts of the school site are largely obscured from the roads surrounding it by significant tree coverage to the north and west. A public footpath runs behind the site.

## RELEVANT PLANNING HISTORY

M/TH/00/0821 - LOCATION OF SECTIONAL CLASSROOM BUILDING IN PLACE OF THREE MOBILE CLASSROOMS AND LOCATION OF SPORTS STORE (RETROSPECTIVE). No objection raised September 2000. Approved by Kent County Council.

## PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a new sports hall following demolition of the existing. The new sports hall would be a larger detached building located in the same position behind the existing swimming pool. It would measure approximately 7.9m to the highest part, and see a smaller length of development beyond this to the rear measuring approximately 3.6m high. The widest part of the structure would be 17.4m wide, with the smaller rear element measuring around 10m wide. The building would contain a large sports hall with two courts, and the smaller rear element would host changing facilities, toilets, a store room and a kitchenette.

The building would be predominantly for the upgrading of existing sport provision for the school, but would also be open to members of the public and groups outside of school hours.

The additional floorspace would require the removal of three trees to the side of the building which are proposed to be replaced across another part of the site.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP12 - Broadstairs

SP30 - Biodiversity and Geodiversity Assets

SP35 - Quality Development  
SP37 - Sustainable Development  
SP38 - Healthy and Inclusive Communities  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
GI05 - Protection of Playing Fields and Outdoor Sports Facilities  
HE01 - Archaeology  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
SE06 - Noise Pollution  
SE08 - Light Pollution  
CM01 - Provision of New Community Facilities  
CM02 - Protection of Existing Community Facilities  
CC02 - Surface Water Management  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking  
TP08 - Freight and Service Delivery

### **Draft Broadstairs and St Peters Neighbourhood Plan 2020**

BSP3 - Protecting and providing Important Trees  
BSP6 - Sustaining Community Facilities  
BSP9 - Design in Broadstairs and St Peter's

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice posted close to the site.

Ten letters of objection have been received and their comments are summarised below.

- Lack of parking for future users of the hall in the evenings and at weekends with limited on-street space
- Users of the site often drive the wrong way down the one way street and KCC should improve road markings
- The existing sports hall isn't used for the intended purposes but for storage space
- The kitchen area is too large and there are too few shower facilities
- Noise concerns outside of school hours potentially up to 10pm
- Neighbours should be notified in writing prior to any event which will occur outside of the agreed hours
- The lettings policy provided should include other matters about hirers, neighbours and directional information for existing the site
- Construction traffic and parking pressure
- The development is too high
- The materials would not be in-keeping

- It would be visible from public footpaths and the road and impact the green wedge
- The existing swimming pool is used outside of the approved hours and the sports hall proposed could be the same
- Potential for archaeological remains
- Loss of existing trees
- Insufficient information in the application form
- No hours of opening are provided
- Schools should not be used for financial gain
- No proposed landscaping to soften the appearance
- There are no details of wheel cleaning facilities
- There has been conflicting information about the intended use of the sports hall and outsider hiring
- The stated upgrading works and extension to the car park are insufficient
- Poor engagement by the applicants with local residents prior to submission of the application

Two letters of support have also been received. Their comments are summarised below.

- Good for the school and wider community
- Offering a sports facility in an area where few exist
- Contribution to tackling health problems and obesity locally
- There is enough space for users in the school's car park

**Broadstairs and St Peters Town Council:** The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend APPROVAL with the following concerns: Any trees removed must be replaced with adequate mature trees. The TDC Tree Officer to recommend suitable replacement species. Subject to samples being provided, the colour of the cladding must blend in appropriately with the school building.

Following additional information, the following comments were received:

'The Planning Committee fully supports Upton School's application for a new sports-hall and the School's commitment to make these sports and leisure facilities available to the wider community for hire.

In recently published plans, onsite parking is reserved entirely for school use 07.00 - 16.30 during term times and available to hirers from 16.30 - 22.00. Outside of term times, the facilities and onsite parking are available every day, including bank holidays, to hirers from 08.00-22.00.

However, there are continued concerns regarding the potential overflow of yet more cars on Edge End Road and noise. It is appreciated that the School has made considerable efforts to increase onsite parking and improve signage for cars exiting into Edge End Road, which is one-way.

Nevertheless, the Planning Committee requests that the School consider the concerns of

neighbouring residents and maintains adequate monitoring of non-school activities to ensure that residents are not unduly inconvenienced by either noise or increased street parking as a result of the external use of these facilities.'

## CONSULTATIONS

**Sport England:** It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

all or any part of a playing field, or  
land which has been used as a playing field and remains undeveloped, or  
land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

The proposed development results in a minor encroachment onto the playing field. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site.

Consequently, Sport England are of the view that the proposal broadly meets exception E3 of our playing fields policy, in that:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

reduce the size of any playing pitch;  
result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);  
reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or

reposition playing pitches to maintain their quality;  
result in the loss of other sporting provision or ancillary facilities on the site; or  
prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England does not wish to raise an objection to this application, subject to at least 3m clear safety run off between the new sports hall and adjoining football pitch to the north being maintained, if necessary by remarking of the pitch.

**KCC Ecology and Biodiversity:** We have reviewed the bat survey submitted in support of this planning application and advise that sufficient information has been provided. We are satisfied with the conclusions that the building is not suitable for roosting bats due to the types of material it has been constructed with and there are no suitable features within the trees to be used by roosting bats. No further surveys or mitigation strategies are required as part of this application.

It's likely that the site will be used by foraging bats and if the proposed development will result in an increase in lighting the proposals are likely to have a negative impact on foraging/commuting bats. We advise that any lighting scheme must be designed to be sensitive towards bats and minimise light spill and recommend that when the hall is not operational the lighting must be switched off to ensure that there is periods of darkness. If security lighting is required we recommend that it is on a motion sensor to ensure that it is only switched on when required. We recommend that any lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

The ecological appraisal has confirmed that birds nest within the site for breeding birds. All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and therefore we advise that an informative is included reminding the applicants of the need to avoid impacting nesting birds and their young.

The bat report has made recommendations to enhance the site for biodiversity but no information has been submitted confirming what enhancements will be incorporated into the site. We advise that if planning permission is granted a condition requiring details of ecological enhancements is included.

**KCC Archaeology:** The school lies in an area that has archaeological potential with Iron Age and Roman remains having been recorded to the south of vale road to the south. Although the new sports hall will be built in part on an existing footprint there remains potential for archaeological remains to be affected if present in undisturbed areas. I would therefore recommend that in any forthcoming consent provision be made for an archaeological watching brief through the following condition:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and Recorded.

**KCC Flood and Water Management:** The drainage strategy proposal presented within the report is suited to the underlying ground conditions found within this area. It is welcomed that ground investigations have been undertaken and infiltration testing has identified good soakage rates on site. The rates obtained from testing have been applied to the design and the cellular soakaway has been sized appropriately.

Supporting causeway calculations have also been supplied to demonstrate the schemes compliance of managing storm events up to the 100 year plus 40% climate change scenarios. The LLFA therefore have no objections to the strategy presented but would seek that a verification report condition is attached to this application, should consent be granted.

The primary purpose of the verification report condition is to capture/ record the critical drainage assets that are installed on site. This is to confirm the system was built according to the approved designs and highlight if there were unexpected changes/alterations to the design during construction. The critical drainage asset we would seek for this site/ application would be the cellular soakaway.

A copy of the condition can be found below:

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

**KCC Highways:** I refer to the above planning application and confirm I have no objection in principle in respect of highway matters. It is not clear if the new sports hall will be available for community use outside of school times but if it is, the existing parking facilities within the school site should also be made available and this should be secured by condition. I note the Construction Plan submitted but would advise that additional information would be required

and therefore a Construction Management Plan should be required by condition, to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries (these will need to avoid school drop-off and pick-up periods)
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

**TDC Environmental Health:** Further to the applicant's comments in relation to potential noise disturbance:

'To avoid noise and nuisance to neighbours and the local community the school (as landlord) intends to:

Monitor the level of sound being emitted from the sound system if used by hirer. (The sports hall does not have a permanent sound system installed but will look to install a media system that replicates one used in classroom and school hall). An amendment to the Hirer agreement will state that amplified music must meet agreed terms & conditions (to not exceed level that can be heard from outside school gates and therefore be considered noise pollution)

Taking advice from HSE - it strongly recommends that the A-weighted equivalent continuous sound level over the duration of the event (Event LAeq) in any part of the audience area should not exceed 107 dB, and the C-weighted peak sound pressure level should not exceed 140 dB. As landlord, we would ensure the noise projected within the sports hall did not exceed the Local Authority guidance on permitted noise levels.

Place music systems on rubber mats or carpet to help absorb sound and / or have speakers positioned facing 'in' towards the sports hall, with sound projected towards the school field and opposite direction to Edge End Road residents.

Limit noise at inconvenient hours: This would be monitored by the school's Letting Manager, Currently, we have no hirers/letting in place transferring from the current sports hall to the new building. The Letting Manager will ensure the lettings agreement specifies noise restriction and the necessity for Hirer to comply with stated guidance in the Lettings Policy/Agreement.

Unfortunately although it is evident that the school intends to minimise impact on neighbours reference to the HSE Events limit of 107dB and a C weighted limit at 140dB is not relevant guidance for this application and if operated at those limits would cause a significant detriment to neighbouring properties - the guidance is meant for infrequent large scale licensed music events not for the regular use of amplified music within a sports hall. However as there will be a curfew of 10pm (would recommend 8pm on Sundays) EH would not object to the application provided noise limits and conditions are attached to the consent. The building benefits from being located at the rear of the school and an 80m separation distance to housing but is compromised by: the structure of the building, no proposed air conditioning - meaning users will want to open doors or windows for ventilation during summer months and the lack of a supporting noise impact assessment.

Music noise in the 63 Hz and 125 Hz octave bands, which is often described as 'bass noise', is particularly difficult to contain and the impulsive and non-steady character of low frequency music noise is particularly disturbing for local residents. Therefore EH recommend the following conditions are attached to ensure music noise is almost inaudible at the nearest neighbouring residential properties:

Conditions:

Curfew on use beyond 10pm Monday to Saturday and Sundays at 8pm

which all users will need to connect to and should form part of the hire agreement. It should also be noted that the permissible level will inevitably lower if windows and doors are left open so air conditioning is recommended and door closures.

Following additional plans the following comments were received:

Given that the air conditioning units will be attached to the sports hall at some distance, 62dB will not impact on neighbours and will help to ventilate during summer months so windows and doors won't be left open and minimising noise break out. No objections to this or to the revised hours of use'

**Southern Water:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The proposed development would lie very close proximity to a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

## COMMENTS

This application is reported to Planning Committee at the request of Councillor Bailey in order for Members to consider whether any harm is caused to neighbouring amenity by the use of the new facility by members of the public and the allowance of alcohol.

## **Principle**

Paragraph 92 of the National Planning Policy Framework (NPPF) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated

approach to considering the location of housing, economic uses and community facilities and services.

Policy SP38 of the Local Plan (Healthy and Inclusive Communities) states that the Council will work with relevant organisations, communities and developers to promote, protect and improve the health of Thanet's residents, and reduce health inequalities. Proposals will be supported that: 1) bring forward accessible community services and facilities, including new health facilities; 2) safeguard existing community services and facilities; 3) safeguard or provide open space, sport and recreation; 4) promote healthier options for transport including cycling and walking; 5) improve or increase access to a healthy food supply such as allotments, farmers' markets and farm shops; 6) create social interaction and safe environments through mixed uses and the design and layout of development; 7) create greener neighbourhoods and improve biodiversity and access to nature.

The proposal relates to a replacement sports facility within the grounds of an established school. Policy CM01 of the Thanet Local Plan sets out that proposals for new, or extensions of, or improvements to existing community facilities will be permitted provided they are of a scale to meet the needs of the local community and in keeping with the character of the area, are provided with adequate parking and operational space, are accessible by walking or cycling to the local community, are located within or adjacent to the community they serve, would not significantly impact upon the amenity of neighbouring residents, either provide or have the ability to provide broadband facilities to create community hub networks and provide flexible business space. Draft policy BSP6 of the Draft Broadstairs and St Peters Neighbourhood Plan sets out that new community facilities or those gaining planning permission for such use will be supported. Where it is identified that an existing community facility is no longer viable, then planning applications for the redevelopment of such facilities will be supported where the proposals include the provision of new or replacement community facilities, in order to sustain the continued provision of such facilities either on their existing site or at a nearby location. There is nothing in these policies that raises an in-principle objection to the provision of a new sports facility at this site, subject to a detailed consideration of all other matters set out.

It has been raised by Sport England that the works for the new, larger replacement facility would result in the loss of some of the existing outdoor sports facilities, namely the adjacent sports field. Paragraph 97 of the NPPF states that existing open space should not be built on unless this is surplus to requirements, the loss would be replaced or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Policy GI05 of the Thanet Local Plan sets out that built development on playing fields will not be permitted unless one of the following applies; it can be demonstrated that there is an excess of provision in the area, that the proposed use is ancillary to the primary playing field, that land is incapable of forming a pitch, the provision would be replaced, or the development is for an indoor or outdoor facility, the provision of which would be of sufficient benefit to sport and recreation as to outweigh any detriment caused. The loss of the playing field should not be detrimental to the character of the area. Policy CM02 seeks to resist the loss of existing community facilities unless it can be demonstrated that there is alternative provision with equivalent or improved community benefits.

In this case the existing facility would be demolished to make way for a new and improved facility, capable of providing a larger indoor sports hall that could benefit the local community as well as the school, in accordance with the aims of policy CM02. The loss of part of the existing playing field would be significant, with a reduction of around 254 sq.m of floor space. However, it appears that if the works were approved, there would remain sufficient outdoor pitches and space to serve the school and wider community. The new larger indoor facility is considered by both Officers and Sport England to provide sufficient benefit to sport and recreation as to outweigh the detriment caused by the loss of some of the outdoor space, and subject to a condition surrounding a clear 3m run-off between the new facility and retained pitch, there is no policy conflict here and no in-principle objection.

The main considerations are the impact on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers, ecology and biodiversity, flood risk and drainage, archaeology, highway matters, and other matters.

### **Character and Appearance**

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy CM01 of the Thanet Local Plan sets out that proposals for new, or extensions of, or improvements to existing community facilities will be permitted provided they are of a scale to meet the needs of the local community and in keeping with the character of the area. Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme. Draft policy BSP9 of the Broadstairs and St Peter's Draft Neighbourhood Plan sets out that development proposals should conserve and enhance local character and design features, aim to reflect strongly the characteristics of the area, and to ensure that they do not lead to an unacceptable impact on neighbouring amenity.

The proposal is for the erection of a replacement sports facility. The existing facility is situated behind a large brick building housing a swimming pool, and appears more akin to an agricultural building or polytunnel, with corrugated sheeting and low ceiling heights. It sits inside the building line of the swimming pool and in close proximity to existing classrooms. The proposed replacement would be a larger and more modern development incorporating changing facilities, storage, and kitchen space. This would have a sort of 'L-shaped' layout, and project beyond the existing swimming pool to both the north and south.

School sites often begin their life as planned developments, but over time the needs of schools often change, along with funding availability, local demand and other factors, which lead to an evolutionary approach to their development and built form. Although the proposed

building would be materially different to anything in the site already, or the surrounding area, it would be read within its context, and against the backdrop of the evolution of the site as a whole.

The resultant school buildings here are single storey in nature and have lower floor to ceiling heights when compared with the proposed replacement hall. The proposed sports hall has been specifically designed to be taller than the average building on site because it has a specific and different use. A number of other schools in the district have built new extensions or improved facilities with a more modern design and overhaul in recent years, and this would not be at odds with the approaches taken elsewhere. Whilst it is considered that the proposed building would be of a height and scale that would not usually be expected on site it would not be uncommon for its intended use and would be seen in the context of the other built form within the site and not in isolation.

There is a certain amount of tree coverage on three sides of the site that would prevent any unobstructed views of the proposed sports hall. Any views that would be possible would be long and glimpsed through established vegetation with the development set back from Edge End Road by some 61m and more than 75m from Broadstairs Road, and seen against the established school buildings. It would also be more than 60m from the public footpath running behind the established line of trees to the west. Although an objection has been received about the impact of the development on the green wedge, the site is outside of the green wedge by more than 400m and would not be likely to be visible from it. Any harm likely to occur from such glimpsed views, or when inside the site, are likely to be outweighed by the public benefits of providing a usable, accessible, and community based sporting facility.

The works would see the loss of three trees to the north of the existing building. The trees are not currently protected by virtue of a Tree Preservation Order or being within a Conservation Area, however Section 197 of the Town and Country Planning Act 1990 (as amended) imposes a requirement on Local Planning Authorities to consider the appropriate provision and preservation of trees in the determination of planning applications. Policy QD02 of the Thanet Local Plan seeks to retain features such as trees, natural habitats and surfaces that contribute positively to the quality and character of an area. Trees and other planting should be incorporated appropriate to both the scale of buildings and the space available, to provide opportunities for increasing biodiversity interest and improving connectivity between nature conservation sites where appropriate. Draft policy BSP3 of the Broadstairs and St Peter's Draft Neighbourhood Plan sets out that proposals for new development which would have an adverse impact on protected trees and other significant trees in the Plan area will not be supported.

A tree report was submitted in support of the planning application and surveyed 16 trees within the immediate area and construction path of the new building. It concluded that no individual trees were recorded as category A, one tree was Golden Rain Tree was identified as category B and 15 trees recorded as category C. It stated that none of the category C trees should pose a constraint on redeveloping the site, but unnecessary tree removal should be avoided with existing trees incorporated into the redevelopment where possible. The category B tree (identified in the Tree report as T15) is infrequently planted and is a dominant arboricultural feature in the local area. It is advised that it protected during demolition and construction works

Three trees immediately next to the existing hall (identified in the tree report as T1(Norway Maple), T2 (Norway Maple) and T3 (Portuguese Laurel) are proposed to be felled on the basis “that they have grown to a scale which is unsuitable adjacent to any building or structure.” (Design and Access Statement). These trees have been considered against the guidance for making a Tree Preservation Order (TPO) and are not considered to be of sufficient amenity value to meet the threshold required based on their position, location, height and distance from the highway and other public spaces. The applicant has agreed to replant 3 trees in place of those that will be lost, and this can be conditioned. As a result there is not considered to be any significant harm to the character and appearance of the area as a result of the initial loss. Given the important value and rarity of some of the other trees within the construction path and surrounding environs of the development area, it is considered necessary to ensure that there is adequate mitigation for protecting these during works and this can be secured by condition.

Policy GI05 of the Thanet Local Plan sets out that the loss of the playing field should not be detrimental to the character of the area. The proposed loss would not be widely perceivable from Edge End Road. Although the new sports hall would be larger than the existing one, there remains sufficient open space to the north and west of the site to enable a sense of openness and space to be retained both physically and visually. As such the loss here is not considered to result in harm to the character of the area.

Overall the new facility would be large but set back and would be functional and related to the use of the school, where piece-meal development is expected over time. It would remain set back behind other buildings and structures and be obscured in part by tree coverage and landscaping to the front of the site. Although three trees would be lost immediately adjacent to the existing sports hall, the site has significant tree coverage with and surrounding it and the three trees would be replaced elsewhere across the site, without impacting any tree coverage to the front or side. The replacement building would have a large benefit for the school and the local community and the is therefore considered to comply with the aims of policies CM01, GI05, and QD02 of the Thanet Local Plan, the policies of the Broadstairs and St Peter’s Draft Neighbourhood Plan and the guidance of the NPPF.

## **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 127 states that decisions should ensure development creates, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users.

Policy CM01 of the Thanet Local Plan sets out that proposals for new, or extensions of, or improvements to existing community facilities will be permitted provided they would not significantly impact upon the amenity of neighbouring residents. Policy QD02 outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people’s quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through

overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

The works would be more than 70m from the nearest properties to the east on Edge End Road. The development would therefore not be expected to result in any sense of enclosure, overbearing, loss of light, or loss of outlook.

During school hours it is expected that there would not be any significant additional or increased movement or noise as the intended primary use is for the school and operation within school time (between 08:00AM and 16:30PM) would be unlikely to result in any material changes during term times. There would be some holiday use for the school between the same times, and again these hours are considered appropriate given the surrounding residential context.

The proposal would see wider community use outside of school hours, which was initially proposed between 16:30PM and 22:00PM weekdays during term time and 08:00AM and 22:00PM at weekends and during school holidays. A number of concerns have been raised by local residents in relation to this and some generic information contained in an initial hire agreement submitted as a background document for the application. The details of the proposal have been assessed by Environmental Health who comment that they would not object to the application provided noise limits and conditions are attached to the consent. Since the original comments air conditioning units have been proposed and deemed suitable by Environmental Health, and the applicant has set out an intention for occasional community hiring and use. Subject to a condition limiting the use and hours of such to a revised timetable (16:30PM and 22:00PM Monday to Friday during term time and 09:00AM to 22:00PM during school holidays, and 08:00AM and 22:00PM Saturdays and on bank holidays, and 09:00AM and 20:00PM on Sundays), along with the installation of a sound limiting device, there is not considered to be any significant harm caused by the out of hours use. A number of works have been stated to have been undertaken during the course of the application to ensure that the car park and overflow provision on site is available, accessible and inviting for hirers and those visiting the site, with consideration given to change over between school use and parents collecting children, and any hiring times for the wider community.

The arrangement of space proposed leads itself well to the intended use. Storage and kitchen facilities are proposed, along with changing facilities, which are all ancillary to the primary use. Doors would open to relevant external spaces and internal areas and would not be likely to unduly impact the normal operations and functions of the adjacent classrooms.

The proposed demolition and construction works are likely to take some time to complete and will require a careful construction management plan to avoid the risk of injury and minimise disruption to pupils, staff, and the public. This can be dealt with prior to commencement via a condition, as agreed by the applicant's agent.

Subject to the above, Officers consider that the works would comply with the aims of policies CM01, QD02, and QD03 of the Thanet Local Plan and the guidance of the NPPF.

## **Ecology and Biodiversity**

Policy SP30 of the Thanet Local Plan sets out that development proposals are required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain. This reflects the guidance set out in paragraph 175 of the NPPF.

Kent County Council's (KCC) Biodiversity Team have reviewed the Bat Roost Survey Report submitted in support of the application and raise no objection to its conclusion that due to the negligible potential for roosting bats within the existing sports hall to be demolished, no further surveys are recommended, Due to the negligible-low potential for roosting bats within the trees to be felled, no further surveys are recommended, tree works should be undertaken outside of the bird breeding season. They, however, suggest there is a need for ecological enhancement across the site and that appropriate lighting should be secured to minimise impact on biodiversity, which can be done by condition, in order to comply with the requirements of the NPPF.

It is considered that with appropriate safeguarding conditions, that there would be no adverse impact from the proposed development on the biodiversity of the area.

### **Flood Risk and Drainage**

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk (whether existing or future). Policy CC02 of the Thanet Local Plan outlines that new development is required to manage surface water resulting from the development.

KCC Drainage have made comments on the submitted drainage plans and reports, and subject to a condition surrounding the production of a verification report, are happy that there would be no adverse impacts from the development. Southern Water raises no objections and subject to the above, the works are unlikely to result in any harmful impact on flood risk or drainage, in accordance with the aims of policy CC02 and those of the NPPF, subject to appropriate safeguarding conditions.

### **Archaeology**

Thanet is an area rich in archeology, with a long history of trade, settlers and invasion and defence given its former island status and proximity to Europe. Paragraph 190 of the NPPF sets out that LPAs should avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Policy SP36 of the Thanet Local Plan sets out that the Council will support, value and have regard to the archaeological significance of heritage assets by protecting the historic environment from inappropriate development. Policy HE01 sets out that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features and that development proposals adversely affecting the integrity or setting of Scheduled Monuments or other heritage assets will normally be refused. Where development would be likely to affect a site of archaeological importance, preservation in situ will be sought. If this is not possible or justified appropriate investigation and recording will be required.

KCC have commented that there have been Iron Age and Roman remains found in the area and require a condition for a watching brief which can be applied. Subject to this, there is not considered to be any harm in relation to archaeological features that may exist, and the development would complete with the aims of policies SP36 and HE01 of the Thanet Local Plan and the guidance of the NPPF.

## **Highways**

Paragraph 102 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals. Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 states that development should give priority to pedestrian and cycle movements, facilitate access to public transport, address the needs of people with disabilities and allow for efficient delivery of goods or access by service and emergency vehicles.

Policy CM01 of the Thanet Local Plan sets out that proposals for new, or extensions of, or improvements to existing community facilities will be permitted provided they have adequate parking and operational space, are accessible by walking or cycling to the local community, are located within or adjacent to the community they serve. Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The proposed use during school hours would see accommodation of all necessary staff and visitors using the existing car park and overflow provision, all contained within the site. Outside of these times for independent hirers, these spaces and facilities would be made available. The applicant has set out that the last pick-ups for after school clubs occur at 16:15PM, before any external hire would begin at 16:30PM, as to ensure that sufficient parking was available on site. The hire agreement sets out that a member of staff would be on site to arrange access to facilities and, therefore, there would not be a need to park on the road. It is stated that across the site there are up to 50 car parking spaces, which given the size of the hall and expected number of attendants for general small scale events like quiz nights or general use for badminton and sport, would be sufficient. Subject to a condition requiring that the use of the hall outside of school time ensured access to on-site parking provision for visitors, this is considered to be acceptable.

The applicant has also set out that since 2020 a number of works have been undertaken to improve parking facilities across the site, including an extension to the overflow provision, resurfacing of this car-park, additional one-way traffic signs by each vehicle gate, one-way arrows and wording on the tarmac by the three vehicle gates, and safeguarding/traffic calming signage added (eg 'Watch that child' / 'No parking on zigzags'). This is considered by Officers to improve the existing provision and make it more likely to be utilised by external

users of the site and to mitigate neighbour concerns about the direction of traffic and readability of access and egress paths.

A condition has been agreed with the applicant for a construction management plan to be submitted and agreed prior to the commencement of any works to ensure safety across the site. Initial plans have been submitted, however KCC Highways have requested additional information relating to routing, parking and turning areas, timings for deliveries, wheel washing facilities and traffic management, which can be covered in this condition. Subject to the above the works are not therefore considered likely to result in any harm to highway users or pedestrians.

### **Other Matters**

Neighbour objections have been received surrounding the current use of the existing building, the amount of information in the application form and accuracy of it, the financial gains made in connection with a community use, and poor engagement with residents.

The applicant has provided information pertaining to the unsuitable nature of the existing building for its intended purpose. Nothing evidenced on site or submitted as part of this application has given rise to concerns surrounding a material change of use or the principle of development and this is not considered any further. Officers consider that sufficient information has been provided over the course of this application to determine it. Those that have not are recommended to be conditioned.

The financial impact of the development in terms of profit and wider community use is not a material planning consideration for this application. Wider community use is considered to offer a public benefit beyond the immediate use by the school and has been considered in relation to this matter alone.

In terms of residential engagement prior to submission and the School's hire agreement or lettings policy, the applicant has set out that some public engagement and meetings had taken place prior to submission, and that the hire policy is a generic document for the Academy to which the School belongs. There is no requirement that the applicant engage with local residents prior to application, though this is encouraged, and no requirement in planning that they be notified of particular events, though this may be required through other legislation. The Council undertakes formal consultation and invites members of the public to comment on the proposed works and this has been completed for this application. Any matters that have been raised giving rise to concerns about a material planning consideration have been mitigated through the recommendation of limitations and planning conditions, and this is considered to be sufficient to prevent harm to neighbouring amenity in this case.

### **Conclusion**

Overall the proposed works would not form part of the typical character and appearance of the site or wider area, but are works that are not uncommon for schools and are indicative of the development of such sites over time and the growing demands of such sites. The works

are not considered likely to be viewed as harmful given the context and incremental development of school sites generally, and are considered to be acceptable.

Subject to a number of conditions surrounding the hours of operation, tree preservation and replacement, biodiversity enhancement and mitigation, highways matters, archeology, flood mitigation and appropriate pitch run-offs, the works are considered to be acceptable.

**Case Officer**

Vicky Kendell

TITLE: F/TH/20/1507

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