

Bury MBC

FAO: Helen Pressley

By email only

27th June 2024

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: 70827

**Site: LAND OFF ARLEY AVENUE, REAR OF 1 COPSE DRIVE AND 2 SPINNEY DRIVE, BL9
5HE**

**Proposal: Variation of condition no. 2 following approval of planning permission
69387: (Formation of car park and erection of boundary fence) – Removal of
demarcation of car park lines from proposed site layout**

Sport England Reference: PA/24/NW/BUR/67865

Thank you for consulting Sport England on the above application.

Summary

Sport England **objects** to this application as it is not considered to meet Exception 2 of our Playing Fields Policy or to accord with paragraph 103 of the National Planning Policy Framework (NPPF).

A full assessment is provided below.

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': www.sportengland.org/playingfieldspolicy

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

- all or any part of a playing field, or
- land which has been used as a playing field land 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. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The proposal is in part linked to the planning approval for the formation of car parking to enable the use of the nearby playing field for football pitch use. Sport England withdrew its earlier objection to the original proposal as amendments were received that dealt with accessibility. The amended information also indicated that in relation to car parking, 14 dedicated spaces, including 1 accessible space on 'appropriate hard surfaced material' would be provided.

It is understood that the current proposal seeks to vary the nature of the car parking to omit the requirement for marked out spaces and alter the material type.

Assessment against Sport England's Playing Fields Policy and NPPF

Sport England considers proposals of this nature against Exception 2 of our Playing Fields Policy which states:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

The original planning application was assessed on this basis.

In assessing whether a proposal meets exception E2, facilities should be of an appropriate scale and comply with relevant Sport England and National Governing Bodies of Sport design guidance. They should also have no impact on the quantity or quality of playing pitches or otherwise adversely affect their use.

Sport England has sought the views of the Football Foundation in undertaking the assessment who have commented as follows: -

- *Costs of the proposed facility should not be a factor in the appropriateness of discharging a condition.*
- *The Playing Field is still included in the Council's 'Places for Everyone' JPA 8 Allocation. Concerns that the facility is proposed to be transferred and written into the lease with club (Covering Statement) and the potential future liabilities associated with the maintenance of the car park leaving the club liable for the car park that does not have a playing field associated with it.*

Sport England agrees with the sentiment that costs are not a reason for the lack of compliance with a required planning condition.

In relation to the material type, although this may dictate how the area is marked out, Sport England defers to the Council's Highway Engineers to assess any

highway safety implications but would not object providing the materials are appropriate to offer safe surface parking. However, in terms of the omission of formally marked out spaces, this could potentially impact on the number of vehicles that could be reasonably accommodated on the site and thus have a detrimental impact on the use of the football pitch and playing field.

Sport England's position

Given the above, Sport England raises a **statutory objection** to the application to vary Condition 2 of planning permission 69387 because it is not considered to accord with any of the Exceptions, particularly Exception 2, of our Playing Fields Policy or paragraph 103 of the NPPF.

Additional Non-Statutory Comments

Sport England notes the concerns of the Football Foundation in relation to the terms of the lease. This concern was also raised, although from a slightly different perspective, in our original comments and an informative recommended for the lease agreement details to be submitted. Although this has not been transferred to the Council's final decision notice.

Sport England would encourage the applicant and the Council to restrict the terms of the lease to ensure that the affected sports club does not bear any unwanted liability for the car park at the point of any future development of the playing field site.

Determining the application

Should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2024 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

If you would like any further information or advice, please the undersigned.

Yours sincerely

Kind Regards

Pauline Shearer MSc BA Hons MRTPI

Planning Manager

M: 07833215549

E: Pauline.Shearer@sportengland.org

SportPark, 3 Oakwood Drive
Loughborough,
Leicestershire, LE11 3QF

Registered address: Loughborough, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire LE11 3QF



Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

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.

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:
www.sportengland.org/playingfieldspolicy