

Bury MBC

FAO: Helen Pressley

By email only

9th November 2023

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

Application Reference: 70199

Site: OUR LADY OF LOURDES RC PRIMARY SCHOOL, RUDGWICK DRIVE BL8 1YA

Proposal: Single storey extension to form two additional classrooms housing Y1 & Y2 children and a SEND resource unit, an office, toilets and a link corridor

Sport England Reference: PA/23/NW/BUR/66046

Thank you for consulting Sport England on the above application.

Summary

Statutory consultee role

Sport England raises **no objection, subject to conditions**, to this application as it is considered to broadly meet exceptions 3 and 4 of our Playing Fields Policy and to accord with Paragraph 99 of the National Planning Policy Framework (NPPF).

Condition Summary:

1. Full details of the continuity of Sport.
2. Construction Management Plan
3. Playing Field reinstatement
4. Natural Turf for Sport.
5. Football Pitches layout
6. Community Use Agreement

A full assessment and conditions wording are set out 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 99, 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:

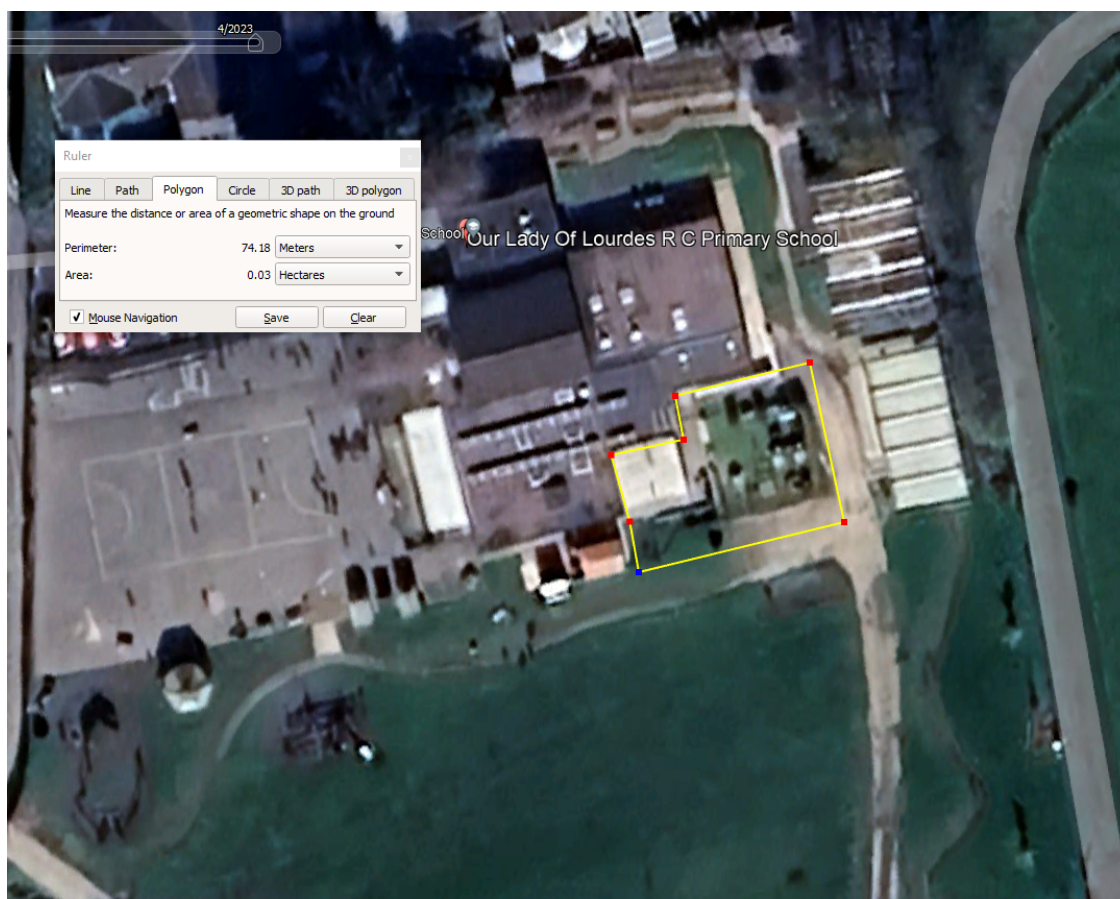
- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. A summary of the exceptions is provided in the annex to this response.

The Proposal and its Impact on the playing field

The proposal will affect the existing school playing field. The location of the proposed extension is in an area which although once forming a larger grassed area, has since sometime before 2017, been used for ancillary external school uses and it would appear from Google imagery, had never been marked out as a playing pitch prior to that. The proposed extension will result in the loss of approximately 0.03ha of playing field land.

Google extract showing approximate extent of the proposed extension footprint:



Assessment against Sport England's Playing Fields Policy and NPPF

Extension:

The location of proposed extension would ensure that the building would have limited impact on the usable playing field. Given the location of the proposed works and the small amount of playing field to be lost as a result of it, that element of the proposal is assessed under Exception 3 of sport England's Playing Fields Policy.

The proposed extension 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:

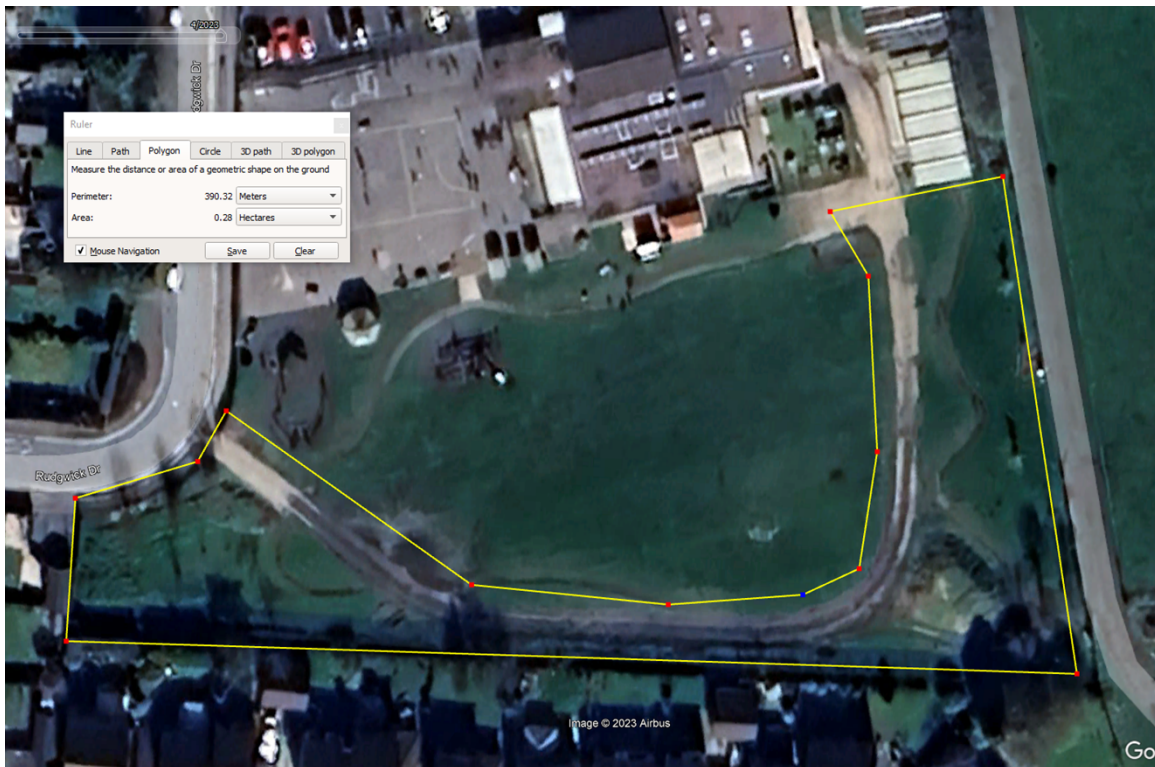
- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches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

Construction Access and Compound:

The proposal includes the construction of an access which is shown across the existing playing field and will result in the loss of approximately .28ha of playing field land.

Google extract showing approximate extent of impact on playing field due to proposed construction access and compound:



The applicant has stated that the proposed construction access and compound are temporary provisions only for the duration of the extension build and once completed the playing field will be restored. In addition the applicant has provided a Proposed Site Plan drawing 2517 SDA P 09 and has include in the Planning Statement a commitment to the restoration of the natural turf playing field in its entirety and without the 'daily mile' footpath and the marking out of two 7v7 football pitches.

Sport England welcomes the removal of the track and the reinstatement of two football pitches. However, it is clear from the submitted drawing that two 7v7 pitches cannot be accommodated on the size with their required run-off areas. Sport England would be satisfied with the provision of two 5v5 pitches with run-off to Sport England and FA standard sizing of 43m x 33m, as this was the approximate size of the previously marked out pitches on the playing field.

Given the temporary nature of the playing field loss and the commitment to its full restoration, Sport England can assess this element of the proposal against Playing Field Policy Exception 4 in that:

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.

It is noted that the 'prior to commencement' requirement of Exception 4 would not be able to be met, however Sport England recommends a condition relating to the submission of details for the playing field re-provision and an agreement to a timetable for its delivery.

The applicant has indicated how the provision of continuity of sport during the construction period can be delivered. Sport England will require further details with regard to the extent of remaining playing field set out for sport and a better understating of the sporting provision on the school's sister site. This can be achieved by the recommended planning condition.

The NPPF states:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

In this regard NPPF paragraph 99 b) applies.

Sport England's Position

Based on the proposed re-provision of the playing field and subject to the recommended conditions as set out below, Sport England raises **no objection, subject to conditions**, as it is considered that the proposal broadly meets the requirements of Playing Field Policy Exceptions 3 and 4 - as set out above - and paragraph 99 of the NPPF.

The absence of an objection is subject to the following conditions being imposed should the local planning authority (LPA) resolve to approve the application:

Recommended Conditions:

1. No development shall commence until a scheme to ensure either:

- (a) the continuity of the existing sports use of/on the retained playing field shown on Drawing No.2517 SDA P 08 and

- (b) the provision of replacement facilities during construction works/other activities

has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect playing fields/sports facilities from damage, loss or availability of use during the construction of the development and to accord with Development Plan Policy **.

2. No development shall commence until full details of:

- (a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and

- (b) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated

are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.

Reason: To protect retained playing fields/sports facilities from damage, loss or availability of use and to accord with Development Plan Policy **.

3. (a) The use of the building hereby approved shall not commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the

playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before first occupation (or other approved time frame). The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.

4. The playing field/s and pitches shall be constructed and laid out in accordance with the Sport England and FA standards for two U7/U8 pitches (43m x 33m O/A) and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before or occupation of the extension or other specified timeframe of the development hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy **.

5. The development hereby permitted shall not be brought into use until the Playing Field shown 2517 SDA P 09 has been cleared and laid out in accordance with Sport England and FA standards as indicated in Condition 4, so that it is available for use as a playing field/sports facility, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a [playing field/sports facility].

Reason: To secure the provision and use of [playing field/sports facility] before the [occupation of the building/**] and to accord with Development Plan Policy **.

6. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply the natural turf playing field laid

out for 5v5 football and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

Informative: Guidance on preparing Community Use Agreements is available from Sport England.

<http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

If the LPA is minded to approve the application without imposing the above conditions, then Sport England objects to the application as it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 99 of the NPPF.

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection the Town and Country Planning (Consultation) (England) Direction 2021 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 agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

If you would like any further information or advice, please contact planning.north@sportengland.org

Yours sincerely

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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