

Bury MBC

FAO: Claire Booth

By email only

18th July 2024

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

Application Reference: 70619

Site: MANCHESTER MACCABI COMMUNITY AND SPORTS CLUB, BURY OLD ROAD, PRESTWICH M25 0EG

Proposal: Erection of 4 no, covered padel courts, 1 no, pickleball court; Ancillary pavilion; Revised car parking and cycling store; Associated signage

Sport England Reference: PA/24/NW/BUR/67358

Thank you for consulting Sport England on the above application. Additional information has been provided and as indicated in the cover letter from NJL Consulting Planning & Development, dated 13th June 2024 Ref: 2023-019.

Summary

Sport England **raises no objection subject to a conditions**, to this application as it is considered to broadly meet Exception 5 of our Playing Fields Policy and accord with paragraph 103 of the National Planning Policy Framework (NPPF).

Summary of condition:

- Construction Management scheme
- Community Use Agreement
- Continuity of Sport

A full assessment and condition wording 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

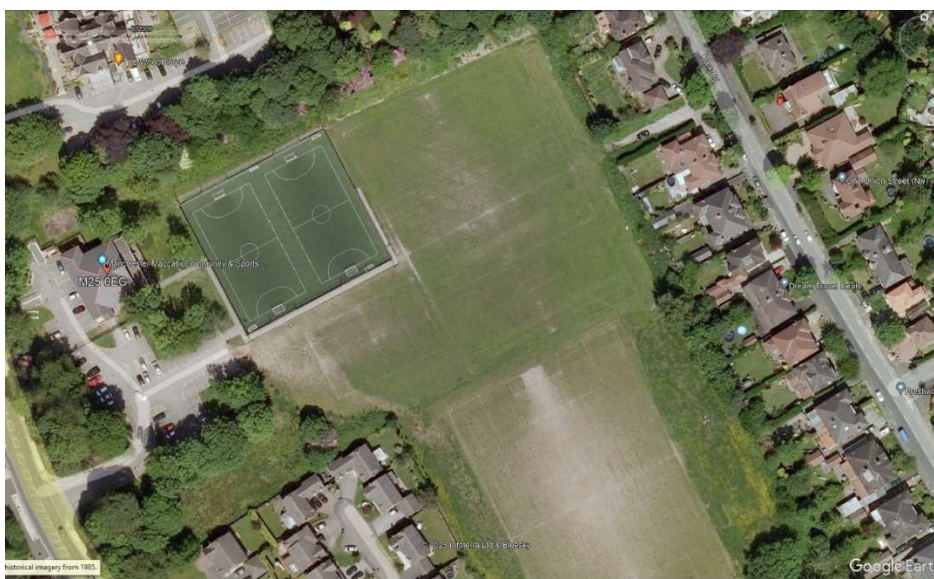
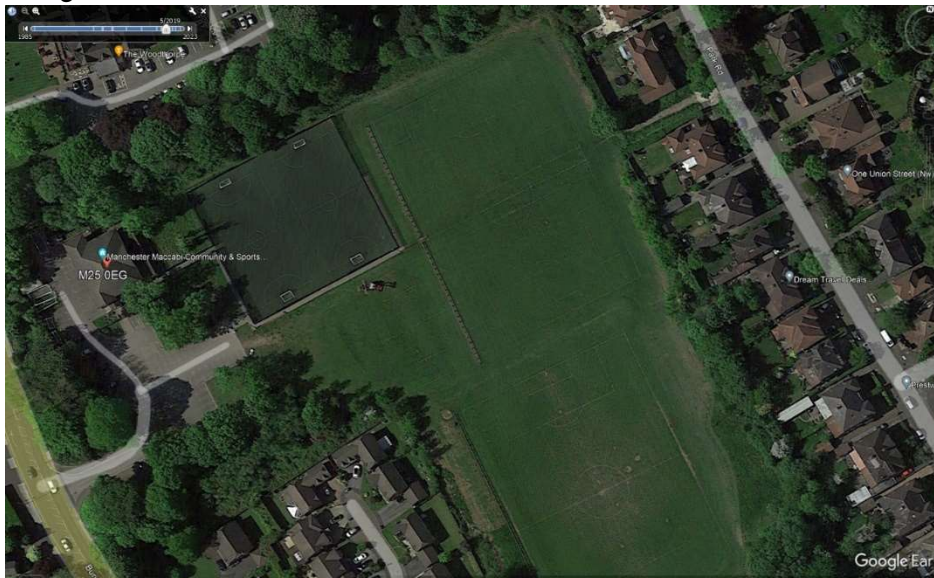
unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The proposal is understood to result in the creation of 4 covered and 1 uncovered Padel Tennis courts and 2 uncovered Pickelball courts on an area of land which forms part of what is considered as playing field. The remainder of the site containing 2 natural turf U15/U16 youth football pitches and two small AGP pitches. The proposal is located on an area of grass land which lies between the marked-out sports pitches and an area of trees to the west of the site. Although not currently marked out, the land appears to have been of sufficient size to enable the previous marking out of a mini pitch to Sport England standards – 43m x 33m as illustrated by the Google extracts below.

It is unclear whether the pedestrian routing to and from the existing pitches are affected by the proposal. Sport England will require a condition for a Community Use Agreement which will need to include a detailed drawing of access to the existing grass and AGP pitches on the site.

Google Extracts of site:



Assessment against Sport England's Playing Fields Policy and NPPF

Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 103) 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.'

E1: Does not apply, the Bury Playing Pitch and Outdoor Sports Strategy (PPOSS) indicated that there is not an excess of playing pitches in terms of school or community playing pitch provision, therefore there is no evidence to suggest that the playing field is not needed.

E2: Does not apply, the proposal does not propose ancillary facilities.

E3: Does not apply, the development affects land marked out as pitches.

E4: No replacement of playing field has been proposed.

E5: The proposal is for an outdoor sports facility. A demonstration would need to be presented which justified the proposal the permanent loss of the natural turf playing field for the use proposed.

The National Planning Policy Framework paragraph 103 states that 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 circumstance Paragraph 103 b) and/or c) applies.

Playing Pitch and Outdoor Sports Strategy (PPOSS)

The Bury PPOSS has recently been completed in December 2023. PPOSS summary of provision in relation to football identified a substantial shortfall in all pitch types including mini 5v5 pitches in the area, with a significant demand with 173 mini teams in the area. The document contains little analysis of padel tennis however does indicate that there are no padel tennis courts in Bury and in its recommendation in the Action Plan is to *"Support opportunities to provide padel courts given its growing demand, providing that no existing in-use traditional courts are lost as a result."*

Consultation with National Governing Body's for Sport

Sport England has a memorandum of understanding with sport's National Governing Bodies and will consult with them as a matter of course on any planning application submitted to obtain information pertaining to demand and technical requirements for their sport. On this occasion, Sport England has consulted with the Football Foundation (FF) and the Lawn Tennis Association (LTA) and their comments previous comments are included in Sport England's previous response, their advice with regard to the latest information are summarised as follows: -

FF

- *The FF and Manchester FA do not foresee any negative impact for football at Manchester Maccabi. No further comments from the amended plans.*

LTA

- *As there are no changes or impacts to the padel facility, there are no objections.*

Sport England's position

The information presented indicates that the facility will provide a need within this area and this is supported by the latest and recent information collected through the Bury Playing Pitch and Outdoor Sport Strategy. Consultation with the affected national governing bodies show that the current and future football provision on the site will not be detrimentally impacted, although Sport England wish to secure this through the recommended conditions pertaining to the construction period and through a formal Community Use Agreement.

The submitted information does not clearly demonstrate the required pedestrian and emergency will be maintained to ensure that the use of the playing field is not compromised and a condition is recommended for these details to be submitted.

The proposal is for a sporting facility which although taking place on playing field land, is not likely to result in the loss of access to the established natural turf and AGP facilities on the basis of the conditions recommended.

Conclusion

Given the above and particularly the identified statutory need for the facility in this area, Sport England **does not raise a statutory objection, subject to conditions** to the application because it is considered to broadly accord with Exception 5 of our Playing Fields Policy and paragraph 103 of the NPPF.

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

Recommended Conditions:

- 1 *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 playing field from damage, loss or availability of use and to accord with Development Plan Policy **.*

- 2 *Use of the development shall not 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 to the padel facility and include access to changing and toilet facilities, and include details of pricing policy, hours of use, access by non-members 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.

- 3 *No development shall commence until [a scheme to ensure either:
(a) the continuity of the existing sports use of the playing fields/sports facilities at Manchester Maccabi Community and Sports Club or
(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 **.*

Determining the application

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 103 of the NPPF.

Should the local planning authority be minded to approve this application contrary to Sport England's statutory recommendation and conditions therein, 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 you wish to amend the wording of the condition(s) 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.

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



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