

Bury MBC

FAO: Jennie Townsend

By email only

4th April 2024

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

Application Reference: 70589

Site: SUNNY BANK PRIMARY SCHOOL, HATHAWAY ROAD BL9 8EQ

**Proposal: Demolition of existing temporary classrooms to the north of the site;
Side/rear extension to existing building providing 3 new teaching areas**

Sport England Reference: PA/24/NW/BUR/67184

Thank you for consulting Sport England with regard to the above application.

Summary: Based on the information submitted, Sport England **raised no objection, subject to condition** to the application as the proposal complies with Sport England's Playing Fields Policy, in particular Exception 3 and with paragraph 103 of the National Planning Policy Framework (NPPF).

Condition Summary:

1. Construction Management Plan submission
2. Provision of a Community Use Agreement (informative)

An assessment of the proposal and full condition/informative wording is set out below.

Sport England –Statutory 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 site is a primary school with playing field to the east of the school building, the proposal results in an extension to the school which would encroach on to the western edge of that playing field. The playing field has previously been marked out for athletics and football (single non-standard size pitch).

The extent of the playing field is .78ha, although clearly some elements of it could not be practically marked out as pitches.



The location of the extension would be in an area which historically has been mostly separate from the usable natural turf playing field and the proposal would lead to the loss of only a small section of the playing field, approximately 38sqm, an area which appears to have been used for recreation/amenity space, with the existence of tires and other ad hoc equipment.

The demolition of the existing classrooms does not affect the playing field in itself but would require management of the construction process to avoid playing field damage.

Assessment against Sport England Policy

Sport England considers proposals affecting playing fields in light of its own Playing Fields Policy and the National Planning Policy Framework (NPPF) (in particular Para. 103). Our Policy 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 in full can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England Policy Exceptions	
E1	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.
E2	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.
E3	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.
E4	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.
E5	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.

E1: Does not apply. There is no evidence presented to suggest that the playing field identified is not needed.

E2: Does not apply, the proposal is for an education use.

E3: Has the potential to apply.

E4: Does not apply, no replacement playing field has been proposed.

E5: Does not apply. Proposal is essentially for educational purposes.

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.

Conclusion

On the basis of the information submitted, Sport England **raises no objection, subject to condition** to the application as it will not result in the loss of the use of the existing playing field and as such it considers that the development accords with its Playing Fields Policy, in particularly Exception 3 and NPPF paragraph 103.

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

Condition:

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

Informative:

It is recommended that a community use agreement prepared in consultation with Sport England 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 use of the playing field and include car parking and toilets and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport. Guidance on preparing Community Use Agreements is available from Sport England.

<https://www.sportengland.org/funds-and-campaigns/use-our-school>

<http://www.sportengland.org/planningapplications/>

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 grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2024, the application should be referred to the Secretary of State, via the 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). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you require any further information, please contact planning.north@sportengland.org

Yours sincerely

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