

Hinckley & Bosworth Borough Council

FAO: Joseph Fleetwood

By email

26th November 2024

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

Application Reference: 24/00980/FUL

Site: RATBY SPORTS CLUB, DESFORD LANE, RATBY LE6 0LE

Proposal: Change of use of existing north sports pavilion (F2 Local community) to educational facility (F1 Learning and non-residential institutions). Including the external alterations, the addition of block paved hardstanding and a new access gate to the north sports pavilion and the addition of an external staircase and a lift to the south sports pavilion.

Sport England Reference: PA/24/EM/HIN/69110

Thank you for consulting Sport England on the above application.

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. A summary of the exceptions is provided in the annex to this response.

The Proposal and its Impact on the playing field

The application seeks permission to change the use of the existing sports pavilion to the north of the site to educational use and for the addition of an external staircase and lift to the southern sports pavilion which is currently unfinished.

The Design and Access Statement (DAS) indicates that the application seeks to regularise works at Ratby Sports Club, we are therefore of the understanding that some of the works have taken place. The DAS indicates that the works to the northern pavilion have taken place, and this is in use by the school.

Sport England commented on a previous proposal to change the use of the sports pavilion to an educational facility (24/00720/FUL) by formal response dated 16th August 2024. Sport England objected to this proposal as it did not accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF. It is understood that this application was withdrawn.

As part of the assessment of this application Sport England has sought the views of the ECB and Football Foundation. Their views have been summarised as:

ECB:

- The northern pavilion is not used by the cricket club, it is used by the school.
- The southern pavilion is suitable for cricket.
- No concerns over the loss of the northern pavilion for sporting use.
- No ball strike concerns associated with the change of use of the northern pavilion.
- Fully support the completion of the southern pavilion for sport to use.

Football Foundation:

- Anstey Nomads use the site regularly and have ambitions to develop the site further for better community use. The northern pavilion is currently utilised due to the southern pavilion being unfinished. The FF and Leicestershire & Rutland FA are supportive of the proposal on the basis that changing provision is retained at the north pavilion until the south pavilion has been completed to support community users.
- The FF has the following comments with regard to the pavilion's design:

- Only one official's changing has been provided for a four-team changing room pavilion, the FF would recommend two officials changing rooms.
- There is a direct line of sight into the officials room, a privacy screen or lobby areas should be included to mitigate safeguarding concerns. If privacy screens can't be provided in the officials' changing rooms, a thumb-turn lock on the door would be required to protect privacy when officials are changing.
- The FF recommends that there are a minimum of four cubicle showers per changing room, avoiding open shower designs.
- Only one WC is required per changing room, noted that there are 2 WCs in changing rooms 1 and 2.
- The FF recommends reviewing the kitchen location, as the current location would be impractical for serving food in the club/committee room and for spectators outside. The FF recommends including an external serving hatch which faces the pitches.
- The FF recommends reviewing the external lift, whether this can be an internal lift in the building? An external lift could pose a risk to security if left unlocked and potentially be subject to vandalism.
- Further guidance and information can be found here:
<https://footballfoundation.org.uk/changing-pavilion-design-key-considerations>
- The FF do not have concerns about the loss of the northern pavilion for sporting use as the southern pavilion has been a long-term aspiration and in development for some time. The development of the unfinished pavilion at the south of the site is within the PPS for Hinckley and will likely be considered in a refreshed LFFP. The southern pavilion is a more optimal position for football and would serve multi-sport outcomes for both cricket and football.
- There are no ball strike concerns for the northern pavilion from a football perspective.

Assessment against Sport England's Playing Fields Policy and NPPF

The proposal will result in the loss of an ancillary facility which supports the use of the playing field. The proposal could therefore prejudice the use of the playing field. The northern pavilion includes changing provision, bar/ kitchen and ancillary accommodation.

Exception 1 – The information submitted doesn't seek to demonstrate that there is an excess of playing provision in the catchment, so the proposal does not meet Exception 1.

Exception 2 – The proposal for change of use of the northern pavilion would not meet Exception 2 as the proposal is not for development of ancillary facilities supporting the principal use of the site as playing field. The works to the southern pavilion would meet the requirements of this exception but the proposal as a whole would not.

Exception 3 – The proposal for change of use of the northern pavilion affects only land incapable of forming part of a playing pitch but the proposal results in the loss of ancillary facilities on the site, the proposal therefore doesn't meet Exception 3.

Exception 4 – The proposal would not meet exception 4 as a replacement area of playing field is not proposed, the southern pavilion was intended to be in addition to the northern cricket pavilion rather than a replacement for it.

Exception 5 – The proposal would not meet Exception 5 as it does not relate to provision of an indoor or outdoor facility for sport.

The proposal does not comply with paragraph 103 of the NPPF as it has not been demonstrated that the northern pavilion is surplus to requirements, the loss would not be replaced by equivalent or better provision as the southern pavilion was intended to provide an additional facility for football not a replacement for the northern pavilion, and the development is not for alternative sports and recreation provision.

As outline above, the proposal does not meet any of the exceptions to our Playing Fields Policy or Paragraph 103 of the NPPF. As the proposal does not comply with any of the exceptions, Sport England's policy is to object to the application.

Our comments on the previous application (24/00720/FUL) noted that there was potential for the completion of the unfinished southern pavilion to provide a benefit to sport which may be of sufficient benefit to overcome Sport England's objection. However, there was insufficient information to assess whether the level of ancillary provision at the southern pavilion would be sufficient to support both football and cricket and to accommodate the use currently accommodated at the northern pavilion. In addition, we needed to understand the mechanism which would be put in place to ensure the southern pavilion is completed and made available to use prior to the loss of use of the northern cricket pavilion and timescales for completing the southern pavilion.

Our response to the previous application requested information to address the following points:

- Information to demonstrate how the southern pavilion could accommodate both football and cricket and accommodate the uses which are currently accommodated in the northern cricket pavilion.
- Detail of the mechanism which would be put in place to ensure that the southern pavilion is completed and made available for use prior to the loss of use of the northern cricket pavilion and the timescales for completing the southern pavilion.

The DAS indicates that this is an application to regularise works. The DAS indicates that the works to the northern pavilion have been undertaken and that this is used by the school. The comments from the Football Foundation indicate that this pavilion is still in use for football. We would therefore seek clarification on whether the northern pavilion is currently used for sport alongside the school use. The DAS indicates that the southern pavilion ground floor changing rooms are in use by both the football and cricket clubs. It is not clear how many of the changing rooms have been completed. The first floor remains incomplete.

It is noted that the application seeks to amend the original layout of the pavilion to include an officials' room on the ground floor and two meeting rooms, WCs and a lift lobby on the first floor. Comments from the ECB have confirmed that the southern pavilion would be suitable for cricket. The Football Foundation have provided a number of comments on the design of the pavilion as outlined above.

The DAS outlines the work undertaken to date on the southern pavilion. This includes work to complete the changing rooms. It is not clear how many of the changing rooms have been completed to date. The DAS provides a cost estimate for the remaining works which include installation of a lift, fire escape stairs, first floor WCs, changing rooms and general finishes. It is estimated that these works would take a total of two years. We would query whether the works could be undertaken in a shorter timescale particularly if the northern pavilion is not available for sporting use while the works are undertaken.

Sport England would wish to ensure that suitable facilities remain in place for the sports clubs using the site while the works to the southern pavilion are completed. It is not clear whether there is currently any use of the northern pavilion for sport. It would appear from the information provided in the DAS that the clubs are using the facilities in the southern pavilion. We would therefore seek clarification on whether this is in addition to some use taking place at the northern pavilion. We

would also need to understand whether the remaining works to the southern pavilion would impact on the ability for this to remain in use while the works are undertaken.

Our previous comments advised that we would wish to understand what mechanism would be put in place to ensure the southern pavilion is completed and made available prior to the loss of use of the northern pavilion and the timescales for completing the southern pavilion. As outlined above, it is unclear whether the northern pavilion remains in any sporting use or whether this has currently been lost through the unauthorised works which have taken place. The DAS indicates that the remaining works on the southern pavilion would take two years to complete. This is a significant amount of time, particularly if the northern pavilion does not remain in use for sport during this period. There also does not appear to be any mechanism proposed to secure completion of the works to the southern pavilion within a specified time frame.

Taking into account the above, while the completion of the southern pavilion would meet a need for improved ancillary accommodation at the site identified in the Playing Pitch Strategy, which would provide a benefit to sport, we are not satisfied that there is currently a suitable mechanism in place to secure the completion of the southern pavilion within an agreed timeframe or that there is sufficient information to demonstrate that facilities for the sports clubs would remain in place throughout the works, particularly if the northern pavilion is not available for sporting use during this time.

Sport England's Position

Given the above, Sport England raises a **statutory objection** to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Potential to overcome the statutory objection

Sport England would review this position if additional information were provided to address the following points:

- A suitable mechanism is put in place to secure the completion of the southern pavilion within an agreed timescale.
- Additional information is provided to confirm whether any sporting use remains in the northern pavilion and to demonstrate that suitable facilities would remain in place for the sports clubs during the time taken to complete the works to the southern pavilion.

In addition, it is recommended that the proposed alterations to the southern pavilion are reviewed to address the Football Foundation's comments.

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

Yours sincerely,

Julia Baish

Planning Manager

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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