

FAO: David Spring

By email only

8th July 2024

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

Application Reference: 24/00403/FUL

Site: The Market Bosworth School, Back Lane, Market Bosworth

**Proposal: Construction of a new multi-use sports area, extension of car park,
upgrade to grass pitch and associated works**

Sport England Reference: PA/24/EM/HIN/67949

Thank you for consulting Sport England on the above application.

Summary

Sport England has **no objection** to this application as the proposal is considered to broadly meet exceptions 5 and 3 of our Playing Fields Policy and accord with paragraph 103 of the National Planning Policy Framework (NPPF) provided planning conditions are attached to the decision notice if the local planning authority is minded to approve the 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 which states that playing fields should not be built on, 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 relates to the construction of a multi-use sports area (MUGA) sited to the west of the school buildings and existing macadam based MUGA. Measuring some 73 x 46m, the MUGA would have a drainage layer and porous bitmac base and be finished with a needle-punch sand dressed synthetic carpet. Drawing titled: Layout & Section shows how the MUGA could be marked out with tennis courts, netball courts and soccer pitches. The Design and Access Statement gives details of the school's intention to also use the MUGA for hockey and sports not currently played such as pickleball and korfbal. The MUGA would be bound by fencing to a height of 4.2m. The proposal is that the MUGA would be unlit.

An extension to the existing car park would be constructed to create 54 spaces and accessed directly from the existing car park.

Located on playing field the MUGA and car park extension would lead to the loss of playing field.

The proposal also seeks permission to retain the excess spoil (created through the construction of the MUGA and car park) on the site. This spoil would be used to provide a level grass surface for the adjacent playing pitch. Information is provided on how the playing pitch (Pitch 5) is prone to waterlogging and its gradients are out of the range of Sport England's recommended gradients. Pitch 5 would have drainage installed and be seeded with grass. The intention is that over a 5-year programme, pitches 1-4 on the playing field area would also be regraded, drained and reseeded.

The Design and Access Statement includes details of the community use of the school's indoor and outdoor sports facilities during the daylight hours. The intention is for the MUGA and improved grass pitch to also be used by the local community.

Planning permission was approved under ref: 19/00305/FUL for a smaller MUGA and car park extension in this location. Sport England provided comments on this application in its consultation response dated 30 May 2019.

As part of the assessment of this consultation, Sport England has sought the views of the Football Foundation (FF) and the England and Wales Cricket Board (ECB). The ECB has confirmed that the existing cricket non-turf pitch would still be usable for cricket by the school following this proposed development. The FF's comments are summarised below:

- The proposal would result in the loss of 2 x mini-soccer pitches as the AGP playing surface would be unsuitable for affiliated football so there would be a loss for football. Football training could utilise the proposed 2G sand-dressed carpet.
- It is understood that the site does already have planning permission for a smaller AGP. However, with the Council currently developing its Playing Pitch Strategy (PPS) a decision should be delayed until the PPS is formally adopted. This will determine if the proposal would impact on the football need in the area.
- The FF would wish to see the facility opened to the community to allow football training.
- Sports lighting would be recommended to provide extended community hours of usage on the AGP thus helping a business model for the lifespan of the facility.

Assessment against Sport England's Playing Fields Policy and NPPF

The proposal would lead to the loss of playing field and therefore needs to be considered against the exceptions in Sport England's Playing Fields Policy which accord with the specified justifications included in paragraph 103 of the NPPF.

Of Sport England's playing field policy's five exceptions (detailed in the annex below), exception 5 is relevant to the proposal. Exception 5, which is in accordance with paragraph 103c) of the NPPF, requires that:

'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.'

An assessment of the benefits of the outdoor sports facility is thus required. The planning application is accompanied by a Design and Access Statement. This gives details of the proposed MUGA and pitch improvements to pitch 5 along with drawings submitted.

The MUGA would measure some 73 x 46m. Sport England has previously agreed in its consultation response to planning application ref: 19/00305/FUL that the area proposed to be occupied by a (slightly smaller 62 x 34m) MUGA would be sited on a relatively steep, waterlogged and previously rubble-filled informal area of playing field which had limited capacity to provide pitches. The technical assessment accompanying this planning application produced by Hemstock Design Ltd includes trial pits of the site which confirm that the land has been filled in the past with building material.

Information is provided on the construction of the MUGA including its surface water drainage system, needle-punch sand dressed carpet and ball stop fencing to a height of 4.2m around its perimeter. Markings on the proposed MUGA are shown to include soccer, netball and tennis. The Design and Access Statement also includes sports such as cricket, pickleball and korfball which would be played on this artificial surface.

Sport England previously requested that a planning condition was attached to any consent granted for the MUGA which required the astro turf pitch to be constructed substantially in accordance with Sport England's design guidance note 'Artificial Surfaces for Outdoor Sport.' This was to ensure that the development was fit for purpose and sustainable.

As stated by the FF, Hinckley and Bosworth BC is currently reviewing its PPS. Whilst a strategic need for a sand dressed carpet in this location has not been identified at present, there would be significant benefit to the school through being able to provide a wide range of sports on this sand dressed surface.

The Design and Access Statement provides details of the existing community use of the playing fields which are used by AFC Market Bosworth, soccer for all ages and the 'Bowmen of Bosworth.' The proposal to enter into a Community Use Agreement (CUA) would allow the community use of the MUGA and the playing field during daylight hours and at the weekends when access to similar facilities in the area for use by the community is limited.

The proposal to improve the quality of the playing field in phases is welcomed. This planning application includes details of how the quality of the playing field adjacent to the proposed MUGA would be improved to create pitch 5 which would be an u11/u12 football pitch with run-offs. Sport England previously recommended that a planning condition be attached to any consent granted for this proposal so that details of the pitch improvements and specification of works were submitted to the LPA for written approval. The playing field quality improvement scheme submitted by Hemstock Design Ltd, a qualified Agronomist and Soil and Water Engineer and a member of SAPCA and RIPTA, provides details of the written specification of cut and fill, soils structure, proposed drainage, cultivation and operations associated with this playing pitch quality improvement works along with a programme of implementation. Sport England would recommend that a condition is attached to any consent granted requiring the completion of these works in accordance with the detail in the Design and Access Statement produced by Hemstock Design and the details in the Site Block Plan and Proposal Plan.

The proposal to extend the car park to the north of the MUGA would involve land which could not be used to mark out playing pitches with the MUGA in situ due to its limited length. This land would meet Sport England's exception 3 criteria as detailed in the Annex.

Based on the above assessment, it is considered that there would be sufficient benefit to sport from the proposed MUGA and the improvements to the existing playing field to outweigh the detriment caused by the loss of this area of playing field.

Sport England's position

Details of the poor quality of the playing field to be lost are contained in the ground survey work in the Design and Access Statement report. The proposal to construct an artificial playing surface and improve the residual grass playing field would improve the sports offer at the school and would provide sports facilities for use by the community. As such the proposal broadly meets a combination of Exceptions 3 and 5 of Sport England's policy.

For the proposal to fully comply with these exceptions, there is a need to ensure that the playing field quality improvements are undertaken in the right way (to avoid soil damage etc.), that the MUGA is substantively designed in accordance with technical design guidance for the sports to be played on this area and that community use of these sports facilities is secured. Therefore, the following conditions should be attached to the decision notice (if the Council is minded to approve the application) to ensure that there are sufficient benefits to sport from the proposed MUGA and the improvements to the playing field to outweigh the detriment caused by the loss of the area of playing field as required under exception 5 of Sport England's policy and paragraph 103 c) of the NPPF.

Sport England therefore has **no objection** to this application, **subject** to the following conditions being attached to the decision notice if the Council is minded to approve this application:

Condition 1: Design of the MUGA:

The MUGA hereby approved shall not be constructed other than in full accordance with Drws. Titled: Application Area and Layout & Section and with the details contained in the Design and Access Statement.

Reason: To ensure the development is fit for purpose and sustainable and to comply with the requirements of the NPPF.

Condition 2: Quality Improvement of Pitch 5:

Before the car park extension is first brought into use, the pitch improvements hereby approved for Pitch 5 as detailed in the Design and Access Statement and as shown on Drw. Titled: Application Area shall be carried out in full and made available for use. 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 improved to an adequate standard to increase playable capacity and is fit for purpose.

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England and the Football Association. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

Condition 3: Community Use Agreement

No development shall commence above the sub-base level of the MUGA hereby approved 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 include use of the MUGA hereby approved, external grass playing pitches and non turf cricket wicket along with access to the car park and shall 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 sport facility and the remaining playing field land to ensure sufficient benefit to the development of sport and to accord with Policy DM8 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2023).

If you wish to amend the wording of the conditions or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome, and we are involved in any amendments.

If your Authority decides not to attach the above conditions, Sport England would wish to maintain a statutory objection to this application.

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

Yours sincerely,

Sharron Wilkinson MRTPI

Planning Manager, Sport England

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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