

<b>Application Reference</b>	<b>DC/088293</b>
<b>Location:</b>	Hazel Grove High School Jacksons Lane Hazel Grove Stockport SK7 5JX
<b>PROPOSAL:</b>	Western parcel: Demolition of existing garages on site; removal of existing tennis/netball courts; erection of a two storey educational facility (use class F1(a)), creation of new vehicular, cycle and pedestrian access and egress off Jacksons Lane; car park with drop off bay; new hard and soft landscaping including a MUGA; erection of PV canopies; and Eastern parcel: erection of replacement tennis /netball courts; fencing; two garages and resurfacing of existing hard standing to create a formal car parking area.
<b>Type Of Application:</b>	Public Services Infrastructure Development
<b>Registration Date:</b>	29.03.2023
<b>Expiry Date:</b>	28.06.23 – extension agreed until 31.08.23
<b>Case Officer:</b>	Dominic Harvey
<b>Applicant:</b>	Department for Education / Tilbury Douglas Construction Ltd
<b>Agent:</b>	Iceni Projects

## **REPORT UPDATE - 27 JULY 2023**

Since the publication of the report a number of matters have arisen that committee members as decision makers, need to be aware of - summarised as follows:

1. 2 further written objections from residents who have previously commented.
2. Receipt and assessment of an Air Quality Impact Assessment.
3. Updated Comments from Sport England

### **1. Further written objection**

Two further written objections have been received raising concerns regarding:

- Biodiversity Net Gain Payment and non-compliance with NPPF
- Loss of Open Space
- Introduction of Wildlife Corridors and concerns over a potential Natural England licence for disturbance of habitat
- Impact of traffic
- Concern with regards to timeframes given for comments following submission of amended plans.
- Concerns that the applicant have not addressed all residents concerns and have only addresses consultee responses.

It is considered that all material matters raised have already been included within the wider assessment as part of the main report to members.

### **2. Air Quality Impact Assessment**

The Council received an Air Quality Impact Assessment (AQIA) 24<sup>th</sup> July 2023. The AQIA was undertaken in order to determine baseline conditions and assess potential impacts as a result of the proposed development.

The report included assessment of impacts during both construction and operational phases of the development. The report highlights that there could potentially be air quality impacts from fugitive dust emissions as a result of demolition, earthworks, construction and trackout activities, however it is considered that the use of good practice control measures would provide suitable mitigation for the development and would reduce any potential impacts to an acceptable level.

Potential impacts during the operational phase of the proposals were assessed that may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network both with and without the development in place. Results were subsequently verified using local monitoring data. A review of the dispersion modelling results have indicated that air quality impacts as a result of traffic generated by the development are not predicted to be significant at any sensitive location in the vicinity of the site.

A thorough review of the document has been undertaken by the Council's Environmental Health Officer who raises no objection to the development.

The proposals are considered acceptable and not considered to give rise to any unacceptable air quality harm. It is proposed that a condition should be applied to any planning permission requiring a construction management plan to be submitted, agreed and implemented for the duration of demolition and construction phases.

### **3. Sport England – withdrawal of their objection**

Based on additional information provided to Sport England by the applicant the council is now in receipt of a revised response from Sport England.

Having regard to the information contained in the response provided below and subject to conditions identified Sport England have now confirmed that the proposals accord with Exception 4 of Sport England's Playing Fields Policy and with Paragraph 99 of the NPPF and as such have withdrawn their objection.

It is considered that the applicant has demonstrated that the 5v5 mini pitch, which is impacted by the proposed development will be provided on site, and that the use of the existing natural turf track and 11v11 pitch will not be prejudiced by the development. The proposals also demonstrate the replacement tennis and netball courts meet Sport England standards. Whilst the proposals do not show a replacement athletics throwing area it is considered that it can be accommodated within the natural turf playing field to the north of the site and delivered via condition.

The proposals are considered to accord with para 99 of the NPPF and Saved Policy L1.1 (Land for Active Recreation) as Local Open Space has been appropriately retained or any loss appropriately mitigated. Conditions as identified by Sport England are recommended to be attached to any planning approval.

Thank you for consulting Sport England on the above application. The following response should be read in conjunction with previous responses from Sport England in relation to this proposal.

**Summary:** Sport England **withdraws its objection** to the application because it is considered to accord with of the Exception 4 of Sport England's Playing Fields Policy and with Paragraph 99 of the NPPF, subject to conditions for:

1. Continuity of sport during construction
2. Technical design and construction specifications of the natural turf 5v5 pitch
3. "Natural Turf for Sport" Guidance compliance
4. Appropriate pitch and court sizes
5. Management and Maintenance Scheme
6. Technical specification for tennis/netball court surface
7. Provision of an athletics throwing area
8. Ball strike assessment for 5v5 pitch and tennis/netball courts
9. Provision of a Community Use Agreement for use of facilities including 5v5 mini pitch
10. Restriction of sporting use for facilities

Full condition wording is set out at the end of this response.

**If your Council decides not to attach the conditions below, Sport England would wish to raise an objection to this application.**

### **Additional Information Submitted and Assessed**

DRWG: FS0770-PEG-XX-XX-D-L-0014\_P03 – Football and Athletic Track Provision for Discussion (and in relation to the U15/U16 football pitch and athletics track only)

DRWG: FS0770-PEG-XX-XX-D-L-0001\_P20 – Landscape Masterplan – received 21<sup>st</sup> July 2023

| DRWG: FS0770-PEG-XX-XX-D-L-0006\_P15 – Landscape Masterplan – received 21<sup>st</sup> July 2023

### **Sport England – Statutory Role and Policy**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Paras 98 and 99) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document':

<https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport>

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.'*

<b>Sport England Policy Exceptions</b>	
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	<p>The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> <li>▪ reduce the size of any playing pitch;</li> <li>▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);</li> <li>▪ 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;</li> <li>▪ result in the loss of other sporting provision or ancillary facilities on the site; or</li> <li>▪ prejudice the use of any remaining areas of playing field on the site.</li> </ul>
E4	<p>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:</p> <ul style="list-style-type: none"> <li>▪ of equivalent or better quality, and</li> <li>▪ of equivalent or greater quantity, and</li> <li>▪ in a suitable location, and</li> <li>▪ subject to equivalent or better accessibility and management arrangements.</li> </ul>
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.

**Assessment is made against the Playing Fields Policy Exceptions E1- E5 as follows:**

Sport England has considered the proposals with regard to the specific exception criteria identified in the above policy and made the following assessment:

E1: Does not apply, there is no evidence to suggest that the playing field, in this particular case is not needed.

E2: Does not apply.

E3: Does not apply, the development does affect land previously marked out as pitches.

E4: Applies, the playing field which would be lost to the development contained pitches and courts which have been appropriately replaced.

E5: Does not apply, the proposal is for an education purpose.

The proposal is considered against Exceptions E4 of Sport England's Playing Field Policy. The additional drawings have demonstrated that the 5v5 mini pitch, which is impacted by the proposal, will be reprovided within the area of the proposed Alternative Provision School. In addition, the drawings demonstrate that the use of the existing natural turf track and 11v11 pitch will not be prejudiced and demonstrate the replacement tennis and netball courts meet Sport England standards. The drawing does not show re-provision of the athletics throwing area, however it is considered that it can be accommodated within the natural turf playing field to the north of the Alternative Provision School and can be delivered through the detail of a planning condition (below).

The National Planning Policy Framework paragraph 99 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 99 b) applies.

On that basis Sport England considers that the development would accord with paragraph 99 because as the proposal loss of playing field has been appropriately re-provided on the site with the relocation of the courts and re-provision of 5v5 mini pitch.

### **Consultation with the National Governing Bodies for Sport**

Sport England has a memorandum of understanding with the pitch sport National Governing Bodies and consults with them on planning proposals. On this occasion, Sport England has consulted with; -the Football Foundation (FF); and England Athletics. All responses received are summarised as follows: -

Football Foundation:

- *The revised plans show that the pitch in the main playing field can be retained to U15/16 dimensions at 91x55m and that a mini 5v5 pitch to FA recommended dimensions for match play can also be accommodated including the required run-off*

areas. FF is content that these plans now show no reduction in the number of pitches or the formats to what might presently be in use by the community club using the site.

- *The pitches and run-off areas meet guidance and are satisfactory. An advisory, the applicant should consider the proximity of the mini 5v5 pitch and run-offs to the proposed MUGA and where/if required, undertake its own risk assessment.*

As yet Sport England has not received a response from England Athletics, however no objection is envisaged.

## **Conclusion**

In light of the above, the additional information and amended plans and subject to conditions, Sport England **withdraws its previous objection** to the application (subject to planning conditions being included on any approval notice) because it is considered to accord with Exception 4 of Sport England's Playing Fields Policy and Paragraph 99 of the NPPF.

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet Exception 4 of its Playing Fields Policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application. Should the local planning authority be minded to grant planning permission for the proposal, without the recommended conditions being attached, then as the original Sport England objection would stand, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

If you wish to amend the wording or use another mechanism in lieu of the conditions as they are set out, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

**If your Council decides not to attach the conditions below, Sport England would wish to raise an objection to this application.**

Sport England 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.

## **Recommended Conditions**

1. *No development shall commence until a scheme to ensure either:*
  - (a) *the continuity of the existing sports use of/on the playing fields and sports facilities – mini 5v5 and U15/U16football pitches; netball courts; tennis courts; athletics track and throwing area*
  - or*
  - (b) *the provision of replacement facilities has been submitted to and approved in writing by the Local Planning Authority. 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. (a) *No development shall 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 [or other specified time frame – e.g. before first occupation of the educational establishment]. 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 \*\*.*

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

3. *The playing fields and pitches - mini, U15/U15 football pitches, track and throwing area shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use to a specified timeframe to be approved in writing by the Local Planning Authority in conjunction with Sport England.*

*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 \*\*.*

4. *The football pitches shall be provided as mini 5v5 and U15/U16 shall be to FA standards and include appropriate run off areas i.e. mini 5v5(33m x 43m); U15/U16(61m x97m).*

*Reason: To ensure the quality of pitches is satisfactory and they are appropriate for use for FA club standards and to accord with Development Plan Policy \*\*.*

5. *No development shall commence until [or other acceptable timescale] a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.*

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

*Informative: Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.*

6. *No development shall begin until the technical specification for the proposed tennis and netball courts surface has been submitted to and approved by the Local Planning Authority (after consultation with Sport England). The details as approved shall be implemented to an agreed timescale.*

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

7. *No development shall begin until the details of the location of the athletics throwing area has been submitted to and approved by the Local Planning Authority (after consultation with Sport England). The details as approved shall be implemented to an agreed timescale.*

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

8. *The development hereby approved shall not be occupied until a ball strike assessment has been undertaken in relation to the mini 5v5 football pitch and tennis/netball courts. The recommendations as approved by the Local Planning Authority in consultation with Sport England, shall be implemented prior to the first use of the facilities and retained, managed and maintained in accordance with the approved details thereafter.*

*Reason: To provide protection for the occupants of adjacent uses and their property from potential ball strike from the new playing field or sports facility and to accord with policy\*\*.*



9. *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 to the use of the natural turf pitches including the mini 5v5 pitch and tennis and netball courts and for completeness, include all existing facilities at the site, including details of pricing policy, hours of use, access by non-School 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/>*

10. *The playing field – including mini 5v5 pitch; U15/U16 pitch; athletics facilities; tennis/netball courts shall not be used other than for outdoor sport and play.*

*Reason: To protect the [playing field/outdoor games/games area/sports facility] from loss and/or damage, to maintain the quality of and secure the safe use of [sports pitch/es/sporting provision] and to accord with Development Plan Policy \*\*.*

### **Recommended Informative**

The applicant should consider the proximity of the mini 5v5 pitch and run-offs to the proposed MUGA and where/if required, undertake its own risk assessment.