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Sent: 10 December 2018 14:13
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Subject: 2018/93472 Change of use from sports ground to domestic garden THE RISING SUN, SCHOLES LANE BD19

Thank you for consulting Sport England on the above application.

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 Para 97) and Sport England's Playing Fields Policy, which is presented within its '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/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal would involve an area of playing field to the rear of the Rising Sun pub becoming a private garden area to the pub.

Assessment against Sport England Policy/NPPF

Playing field policy exception E3 allows the loss of peripheral parts of playing fields provided they cannot be used as a playing pitch or part of playing pitch. The land in question lies immediately behind goal line to a senior football pitch, and Sport England has engaged with the Football Association to understand its significance. The FA (through the Football Foundation) has responded and advised that;

A minimum safety run off 3m must be provided around all sides of the pitch and run off areas must be free from obstructions and of the same surface as the playing area. Based on the information provided to date, it appears that the end boundary of the proposed garden is less than 3m from football pitch touchline, therefore not allowing for an acceptable safety run off distance. The playing pitch is currently just within the minimum acceptable dimensions of an 11v11 playing pitch, and we would not want the pitch size to be compromised in anyway as part of the proposed garden development.

The creation of a private domestic garden would lie on the fringes of a cricket pitch too, and Sport England has sought the advice of the ECB in respect of the potential risk (to the users of the garden) of ball-strike. It has responded to advise;

The informal beer garden would be replaced by a residential garden and whilst the experience of 'sitting outside' is similar, the former use did not lead to a formal planning application. The proposed new development provides the ECB with the opportunity to give this formal response via Sport England (statutory consultee).

The proposed development is at risk of ball strike and could prejudice the use of the cricket ground, with potential subsequent insurance claims leading to the cricket club not being able to withstand any associated financial pressures from a claim in relation to damage to persons or property. A ball strike risk assessment by Labosport UK, an ECB approved test house, should be undertaken, to establish if ball strike mitigation is required. ECB would be glad to review the ball strike risk assessment via Sport England through the planning system and advise on its findings in due course.

In light of the FA's comments it is clear that the loss of playing field would not be covered by exception E3. As none of the other playing field policy exceptions pertain to the development the proposal does not accord with playing field policy.

Conclusion

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 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 2009, the application should be referred to the Secretary of State, via the National 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 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 would like any further information or advice please contact me at the address below

Yours sincerely,

Planning Manager – North Planning Team



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