

From: [Laura Hutson](#)
To: [Thatcher, Lucy](#)
Subject: Ref: 22/0902/FUL - Stag Brewery - SE Ref: PA/22/L/RT/61436
Date: 05 May 2022 16:29:00

Dear Lucy,

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 (in particular Para. 99), and against its own playing fields policy, which 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 can be viewed via the below link:
www.sportengland.org/playingfieldspolicy

The Proposal and Impact on Playing Field

It is proposed to locate a new secondary school on the site of an existing playing field at Stag Brewery. The grass playing field (can accommodate 2 x youth pitches). The youth pitches have previously been used by the youth section of a local football team (Barnes Eagles). The playing field will be replaced with a full size artificial pitch (floodlit), a MUGA (not lit) sports hall and secondary school. An area of the playing field will also provide a Multi-Use Games Area (not floodlit) and an area of open space. Sport England has consulted the Football Foundation/Football Association on the proposals for the site.

The proposed secondary school and sports facilities are intended to help meet existing sports needs in the local authority area and also those arising from the proposed housing development which forms the subject of a separate planning application (A) - see separate Sport England response.

Part of the school playing field will also be lost to the school buildings. The car parking and pavilion for the playing fields will also be lost. This will be addressed by replacement parking for the school, which can be used by the community outside school hours, and new changing rooms will be provided within the school building for those using the new artificial pitch.

Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'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.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.

Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance;
- improves the delivery of sport and physical education on school sites; and
- is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- other users would be displaced without equivalent replacement provision;
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The proposed development will result in a loss of grass playing field. However, this loss will be mitigated through the provision of a sports-lit artificial pitch, a new sports hall with changing rooms accessible by the community and a MUGA. The impact of previous users of the playing field being displaced will need to be mitigated through the planning process and the applicant has previously worked closely with this community sports group in developing the proposals for the site and the Section 106. There is also an existing strategic need for artificial pitches for football in the local area and the proposed development will help meet this need. Sport England will also require a number of further conditions to ensure that the new school sports facilities will also be accessible to the existing community and the new community on the Stag Brewery site. While I have not had sight of a draft 106 agreement in this new application, I note that sports provision is included within the proposed Heads of Terms set out in the Planning Statement.

I also note that the application includes a report that sets out mitigation measures that the proposed development would install at the MUGA and AGP and that it considers that the built in measures in combination with the control of hours of use will mitigate the impact on nearby properties. Providing that the Council Environmental Health officer is content with this, this is considered acceptable. I note that fencing meets Sport England requirements and are twin bar super rebound, also including measures to reduce rattle and ball impact noise, and that an acoustic grade timber fence or barrier will be incorporated if this is required from a subsequent detailed assessment. I would query whether the Council EH officer is content with this approach?

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to object to this application as it is considered to broadly meet exception 5 of the above policy. The absence of an objection is subject to the following amendments to the proposals/S106/inclusion of planning conditions;

Acoustic mitigation

1. A plan showing the location of an additional acoustic barrier and confirmation from the Council's Environmental Health Officer that the artificial pitch can be used up to 9PM.

It is understood that the applicants agree to only provide an acoustic grade timber fence if this is required from a subsequent detailed assessment and I would welcome confirmation that the Council

EH officer is content with this approach?

Section 106 agreement

2. I understand that the Section 106 agreement for the previously refused application was intended to ensure that the needs of Barnes Eagles were met and included the following provisions;
 - A Contribution of ninety thousand seven hundred and fifty pounds (£90,750) [Index Linked] towards the provision of temporary football pitches for use by Barnes Eagles whilst the Development is being constructed. This will be paid to the Council who will be obliged to pass it on to Barnes Eagles.
 - There was also a Top-up Barnes Eagles Contribution of £45,375 This Top-up contribution will be paid to the Council upon every anniversary of the vacation date commencing on the third anniversary (i.e. Starting 3 years after the site is vacated) until the facilities at the School have been provided and are available for use by Barnes Eagles and the Community Use Agreement and the School licence have been completed. If it's part way through a year it will be apportioned out accordingly.
 - The existing licence agreement for Barnes Eagles will not be terminated until the Initial Barnes Eagles contribution has been paid to Barnes Eagles.

An email regarding the previous application to Sport England from the applicant's agent (18th November 2019) previously confirmed that the draft S106 includes the following provisions;

1. The whole of the area where the sports fields are located would not be built on until a contract has been signed with the school operator to build the school and the associated facilities;
2. This would mean that the school (App B) and the community park (part of App A) (see plan attached) would be restricted until the contract had been signed;
3. The above would be secured by legal agreement, the broad principle of which we have discussed and agreed with LBRuT.

Sport England would welcome clarification as to whether the new S106 agreement around this new application will include the same provisions.

Sport England further wishes to guard against a potential situation where it is decided by the education authority that a secondary school is not required and for example, is replaced with a junior school which would not require a sports hall or full size floodlit artificial pitch. Sport England would not want to see a situation as previously where the Section 106 effectively divided up the playing field into a school site and a public park. This could mean it is subsequently decided to build a primary school with a small playing field on part of the existing playing field with no beneficial community sport facilities i.e. the artificial pitch and the sports hall and part of the playing field will have been lost. Both the artificial pitch and sports hall are required to meet the needs of the residential development. Sport England therefore requires that the legal agreement ensures that if it is decided not to build the school then the developer will provide a sports hall and artificial pitch within the Stag Brewery site OR will retain the existing playing field and sports pavilion and that this will be provided for use by the community with an appropriate management and maintenance scheme.

The Section 106 should also include measures to ensure that any properties built near to the artificial pitch will not have balconies and have appropriate ventilation so that windows can be closed as needed when the pitch is in use. It is understood that the applicant is providing this text within the legal agreement and Sport England would like to review this.

The previous S106 also included a community use agreement and comments are set out below in relation to this.

Planning conditions

In addition to the above, the following conditions should be attached to the decision notice should the

local planning authority be minded to approve the application:

(1) The sports hall including changing rooms, artificial pitch and multi-use games area hereby permitted shall not be constructed other than in accordance with the design and layout details set out in the planning application, Section * and Drawing No's *

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **

(2) Notwithstanding the information on the submitted plans, no development shall commence until further details of the design and layout of the artificial pitch and multi-use games area (including details of the pitch construction of the artificial pitch and the MUGA and details of the flood lighting ducting for the MUGA), which shall comply with Sport England design guidance, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The artificial pitch and multi use games area shall not be constructed other than substantially in accordance with the approved details before it is brought into use.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.

(2) Use of the development shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **.

(3) *The artificial pitch and its associated sports lighting shall not be used outside the hours of:*

a) 8 a.m. and 9 p.m. Monday to Friday;

b) 9 a.m. and 9 p.m. on Saturday; and

c) 9 a.m. and 8 p.m. on Sunday [and public holidays].

Reason: To balance illuminating the artificial pitch for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with Development Plan Policy **.

(4) Before the artificial pitch, multi-use games area and sports hall are brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. For the artificial pitch this should include measures to ensure the replacement of the artificial pitch surface when it comes to the end of its life. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial pitch.

*Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy **.*

Community use

(5) No development shall 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 sports hall, changing provision, activity studio, artificial pitch, multi-use

games area and parking and 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 sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

Should the conditions recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet exception 5 of our playing fields policy, and we would therefore object to this application.

If you wish to amend the wording of the recommended conditions, or use another mechanism in lieu of the conditions, 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.

Conclusions

As set out above, Sport England's decision not to object to this planning application is dependent upon a number of conditions and further changes to the legal agreement as set out above, plus confirmation that the Council EH officer is content with the measures suggested to reduce any impact on residential amenity. If these changes are not secured then Sport England's position on this application would be one of objection.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; 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 you require further help or advice in relation to Sport England's comments above then please contact Sport England.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If you would like any further information or advice, please contact me at the address below.

Yours sincerely,

Laura Hutson

Planning Manager

T: 07769 881525

M: 07769881525

F:

E: Laura.Hutson@sportengland.org

Sport England



Sport England SIA award 2021



[This Girl Can](#)

Level 1 21 Bloomsbury Street WC1B 3HF



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](#)