

## APPENDIX TO AGENDA (LATE REPRESENTATIONS)

**Planning and Highways Committee** 1 June 2023

**Item No.** 13

**Application Number** 135936/FO/2023

**Ward** Cheetham Ward

### **Description and Address**

Erection of part single, part two storey building to form purpose-built primary school (Class F.1) with associated open space, access, landscaping, boundary treatment and other infrastructure works.

Bignor Street Park, Heywood Park, Manchester

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### **1. Applicant**

The applicant has met with Manchester Active to alter the mitigation package to address the comments of Sport England.

The mitigation now constitutes:

1. On site enclosed cricket nets provided as part of the school development.
2. On site Community Use Agreement for the outdoor sports (football pitch and MUGAs) and access to a toilet to be secured via a prior to first use condition.
3. Provision of a financial contribution to cover the following improvements to be implemented by MCC:
  - a. Off site replacement playing field equal to 2,023m<sup>2</sup> at Boggart Hole Clough
  - b. Off site replacement MUGAs at Cheetham Park and Smedley Playing Field

A suggestion is made to alter the community use conditions included in the original report to address this change.

### **2. Sport England**

Sport England maintains its objection to this application but would consider withdrawing the objection once the necessary legal mechanisms to secure the replacement playing field are in place and the recommended conditions are included on any decision notice.

The conditions and requirement for legal agreements are in summary as follows:

1. Provision of a Community Use Agreement for the School for use of on site sports facilities and batting nets;
2. Specification for provision of Batting Enclosures in accordance with ECB standards;
3. Specification for provision of basketball courts
4. Delivery of U9/U10 pitch;
5. School pitch delivered;

Section 106 required for a financial contribution to the provision of a minimum of 2023sqm off-site playing field at Boggart Hole Clough and MUGA at Cheetham Park.

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.

#### COMMUNITY USE AGREEMENT

Submitted information includes suggested condition wording for the required Community Use Agreement (CUA) for the proposed school. Sport England is satisfied with the wording and recommends a planning condition.

Whilst this provision does not replace the playing field, this provision provides the community with access to sports facilities onsite on the basis of a pricing strategy agreed by a steering group to be formed as part of the CUA.

#### PROVISION OF CRICKET NETS/BATTING ENCLOSURE – ADJACENT TO SCHOOL

Part of the CUA will include community access to the batting enclosure to be provided adjacent to the school site.

This would provide the community with new provision of a cricket facility on part of the playing field site. The technical details are to be agreed in consultation with the ECB and can be dealt with by planning condition as outlined below. The pricing will be incorporated as part of the Community Use Agreement for the school.

#### DELIVERY OF REPLACEMENT PLAYING FIELD

Boggart Hole Clough:

Further information received includes reference to the agreement of the applicant to provide a financial contribution to be made to Manchester City Council to provide a new playing field at Boggart Hole Clough. The submission includes a Feasibility Study which includes indicative details and demonstrates how that can be delivered at the site and can provide an off-site replacement playing field equal to 2,023m<sup>2</sup>. Sport England welcomes this provision as it would provide an appropriate replacement of playing field and broadly meets the quantitative requirement of Exception 4 of Sport England Playing Fields Policy.

Exception 4 requires a qualitative provision of replacement playing field. Boggart Hole Clough is approximately 2 miles 'as the crow flies' from Bignor Street which is not ideal in terms of achieving this. However, the latest information has confirmed that the provision of a MUGA on non-playing field land at Cheetham Park remains part of the mitigation package for this proposal. Although this doesn't provide replacement playing field it does replace the existing MUGA at Bignor Street and provides some localised sports facilities for the community. On this basis Sport England can accept the principle of a replacement playing field at Boggart Hole Clough, being part of an overall replacement package which includes provision of a MUGA at Cheetham Park, as appropriate in terms of broadly meeting the qualitative requirements of Exception 4.

Smedley Lane Playing Fields:

This site is referred to by the applicant, however, Sport England is not considering this site as playing field replacement as Smedley Lane Playing Fields is already classed as playing field. Therefore its inclusion as part of the proposed mitigation package in the form of a replacement facility would not be a policy compliant and would not meet Playing Field Policy Exception 4 or paragraph 99 of the NPPF.

#### **Assessment of Previous Submissions**

##### PROVISION OF CRICKET AND FOOTBALL BOX – CHEETHAM PARK

The ECB have not had sufficient technical information to assess the proposal.

The submitted additional information identifies a proposed MUGA to be provided at Cheetham Park as forming part of the mitigation package to replace the facilities at Bignor Street. The final details of this have not been confirmed and is subject to a feasibility study. The land is owned by the Council and Sport England is satisfied that this could be delivered through an appropriate Legal Agreement that will commit MCC Parks Team to its delivery and would include obtaining the necessary planning permissions and ensuring the provisions are to appropriate technical standards in relation to the sports it would provide which should cricket and basketball.

Sport England is satisfied that, subject to the measures above being delivered and in accordance with the recommended conditions and legal requirements, the proposal could broadly meets Exception 4 of their Playing Field Policy and paragraph 99 of the NPPF because the area of playing field lost could be adequately replaced. However, Sport England would need to be assured of the legal means to deliver the different elements of replacement playing field and mitigation. Sport England consider that provided this is met, it could be able to withdraw its objection.

### **3. Director of Planning**

The areas of mitigation at Smedley Lane and Cheetham Park and how they relate to the application site at Bignor Street Park (both sites are within close proximity to and accessible to the local community) are shown on the map below:



Following receipt of the altered package of mitigation, which now includes for replacement provision at Boggart Hole Clough and the revised comments of Sport England, the local planning authority are entirely satisfied with the re-provision of sports facilities having regard to national and development plan policies.

The following conditions will need to be amended / included:

Condition 12 reworded to address a typing error as follows:

12. Prior to occupation of the development the provision of electric vehicle charging points shall have been implemented in line with the information submitted on plan AT.22.1242.100 dated 17.05.2023. These charging facilities shall thereafter be retained for the use of the school.

Reason - To promote sustainable development and in the interests of residential amenity,

pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

Condition 17 reworded as follows:

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. The agreement shall apply to the on site cricket nets, natural turf football pitch, multi-use games area and access to a WC 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 and for the duration of the development.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport pursuant to policy EN10 of the Core Strategy.

Condition 18 reworded as follows:

No development shall begin until the technical specification for the proposed cricket batting enclosures 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 pitches is satisfactory and that they are available for use before development (or agreed timescale) and to accord with Development Plan Policy EN10.

Condition 21 reworded to include trigger as follows:

Prior to the occupation of the development, details of the proposed opening hours shall be submitted to and agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy and saved Policy DC26 of the City of Manchester Unitary Development Plan.

Addition of Condition 31 as follows:

No development shall begin until the technical specifications, to include dimensions, layout, sports markings, fencing, sports lighting, and materials for the proposed Multi Use Games Areas has been submitted to and approved by the Local Planning Authority (after consultation with Sport England). The Multi Use Games Areas shall not be constructed other than in accordance with the approved details and shall be implemented to an agreed timescale.

Reason: To ensure the quality of the Multi Use Games Areas is satisfactory and that they are available for use before development (or agreed timescale) and to accord with Development Plan Policy EN10.

Addition of Condition 32 as follows:

No development shall begin until the technical specifications of the grass football pitch has been submitted to and approved by the Local Planning Authority (after consultation with Sport England). The football pitch shall not be constructed other than in accordance with the approved details and shall be retained as such thereafter throughout the lifetime of the development.

Reason: To ensure the quality of pitches is satisfactory and they are appropriate for use and to accord with Development Plan Policy EN10.

Addition of Condition 33 as follows:

No development shall begin until the technical specifications of the mini football pitch has been submitted to and approved by the Local Planning Authority (after consultation with Sport England). The mini football pitch 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). The football pitch shall not be constructed other than in accordance with the approved details and shall be retained as such thereafter throughout the lifetime of the development.

Reason: To ensure the quality of pitches is satisfactory and they are appropriate for use and to accord with Development Plan Policy EN10.

As the holding objection has been removed by Sport England, subject to the signature of an appropriate legal agreement and conditions, the recommendation of the Director of Planning is now altered to **MINDED TO APPROVE subject to the signing of a Section 106 agreement securing offsite mitigation for reprovision of play.**