

APPLICATION REPORT – 21/00387/FULMAJ

Validation Date: 30 March 2021

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Major Full Planning

Proposal: Installation of running track (retrospective)

Location: Christ Church Charnock Richard C Of E Primary School Church Lane Charnock Richard Chorley PR7 5NA

Case Officer: Mike Halsall

Applicant: The School Governors of Christ Church Charnock Richard C Of E Primary School

Agent: Cowan & Co

Consultation expiry: 16 November 2021

Decision due by: 28 April 2023 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that Planning Committee be minded to grant planning permission, subject to conditions and that the application be referred to the National Planning Casework Unit to determine whether the Secretary of State wishes to call the application in for a decision. This is required by the provisions of Part 4 of the Town and Country Planning (Consultation) (England) Direction 2021 because the English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the development.

SITE DESCRIPTION

2. The application relates to the playing field of Christ Church Charnock Richard C Of E Primary School located on the southern side of Church Lane, within the defined settlement boundary of Charnock Richard, as shown on the Chorley Local Plan policies map. The playing field is surrounded by the school buildings to the north, a Scout and Guides building to the west on Charter Lane, open fields to the south and dwellings to the east, beyond a multi-use games area.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission, retrospectively, for the installation of a running track to the perimeter of the playing field, on the outside of two five-a-side football pitches to enable pupils to complete the ‘daily-mile’ exercise. The track is approximately 300m long and 1.3m wide.
4. A cross section drawing has been provided in support of the application, which identifies that the path is constructed of a geotextile membrane approximately 100mm below ground level, overlaid by a sub-base layer of compacted Type 1 MOT and finally a 30mm compacted stone surface and timber board edgings. There is a slight camber to the surface for drainage purposes.

5. The application was originally registered as a Major application due to the red-edged site boundary covering more than 1 hectare, covering the entire curtilage of the school grounds. This was amended during the consideration period of the application to be restricted to the area of development, i.e. around the running track. The application is therefore no longer a Major development, although the 'FULMAJ' suffix has remained for administration purposes and to avoid any confusion by changing the application reference number.

REPRESENTATIONS

6. No representations have been received.

CONSULTATIONS

7. Sport England: Despite negotiations between the applicant and Sport England having taken place, Sport England have responded in objection to the proposal, as follows:

'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) [sic – now paragraph 99] and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document':

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

It is understood that the proposal is for a running track. The proposed position of the track would encroach onto the playing field into an area used previously as a running track and football pitches. The development would lead to a loss of playing field, and prejudice the use of the remaining area playing field, along with limiting the space that can be used for pitches and preventing them from being rotated, repositioned or reconfigured to provide different sized pitches and spread wear and tear.

Assessment against Sport England Policy/NPPF

Sport England's role is to protect playing fields. In order to be clear on the definition of a playing field, the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a playing field as 'the whole of a site which encompasses at least one playing pitch'. This definition is also provided within the glossary to the Government's National Planning Policy Framework. The definition refers to the whole of a site and therefore does not just cover land which is currently laid out as pitches. It also does not differentiate between different types of ownership e.g. public, private or educational ownership. Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 97) [sic – now paragraph 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 Policy Exceptions	
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	The proposed development affects only land incapable of forming part of a playing pitch and does not: <ul style="list-style-type: none"> ▪ 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.
E4	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: <ul style="list-style-type: none"> ▪ 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.
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:

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

E2: Does not apply, the proposal does not propose ancillary facilities supporting the use of the site as a playing field.

E3: Could apply if it were clear that the track did not affect land laid out as football pitches (and safety margins) or used for summer sports including for example running and rounders, including the ability to resize, move and rotate pitches as required for those respective sports now or in the future.

E4: Does not apply, not relevant, the playing field lost is not going to be replaced.

E5: Does not apply, the track is not designed as a running track for sport.

There is insufficient evidence to demonstrate that the proposal meets any (and which) of the policy exceptions, it would be built on the playing field, it would abut a marked pitch and not protect its safety margin, it would restrict the size of pitch that could be accommodated now and in the future and prevent rotation and repositioning to spread wear and tear; and accommodate different pitch sizes depending on need and age; it's position also leaves

small strips of playing field that become sterilised from use as part of the wider playing field. No justification of the need for it has been provided. Its surface, compacted stone, can hardly be described as a surface for a running track, it would be more akin to an informal amenity path.

The National Planning Policy Framework paragraph 97 [sic – now 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 instance the development would not accord with paragraph 97 [sic – now paragraph 99] because the area of playing field lost would not be replaced, and the location of the track affects land laid out as pitches and their safety margins. The proposal is not designed for sport and there is no justification, or any strategic need demonstrated for a running track facility. Furthermore, the proposal would prejudice the use of the playing field and sterilise parts from future use whereby failing to meet NPPF paragraph 182. [sic – now paragraph 187]’

8. Charnock Richard Parish Council: Have responded with no objection to the proposal.

PLANNING CONSIDERATIONS

Principle of the development

9. The National Planning Policy Framework (the Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
10. Of particular relevance to the proposed development is paragraph 92 of the Framework that states: *‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.’*
11. Paragraph 99 of the Framework goes on to state *“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.*
12. Paragraph 187 of the Framework states that: *‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.’*
13. The Central Lancashire Core Strategy policy 24 covers sport and recreation and seeks to ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities (including children’s play) by d) identifying sites for major new facilities where providers have evidence of need.

14. The application site is located in the settlement area of Charnock Richard. The Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
15. The application site is an existing sports facility; however, the proposed development seeks to upgrade the sports facilities through the addition of the proposed track to enable pupils to complete the daily mile exercise. It is, therefore, considered that the proposal represents the provision of a new facility and so should be assessed against policy HW1 of the Chorley Local Plan 2012 – 2026, which covers the provision of new open space, sport and recreational facilities.
16. Policy HW1 states that proposals for the provision of new open space, sport and recreational facilities or extensions to existing facilities will be permitted if all criteria of the policy are met. These are set out and addressed as follows:

The development will not have an adverse impact on the local environment or visual character of the landscape;

The application site is well contained within a wider, well defined, school site. The track is a surface level development which would be imperceptible from outside the application site and is considered to be of an appropriate design and appearance which would cause no harm to the local environment or visual character of the landscape.

The development will not result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3);

No agricultural land would be lost as a result of the proposed development.

The development will not cause harm to a site of nature conservation value;

The track is located on an area of the site previously used as playing field and so of little or no ecological value. On this basis, it is not considered that the development would cause harm to a site of nature conservation value, and would also be in line with policies BNE9 and BNE11 of the Chorley Local Plan 2012-2026, which seeks to protect and conserve biodiversity and ecological networks.

The development will not harm the amenities of local residents;

The proposal is for the redevelopment of an existing sports and recreation facility within an established school grounds. As such, there would already be some degree of impact from noise and disturbance in relation to nearby residential occupiers. It is not considered the proposal would have any notable impact compared to the existing situation.

The site is accessible by a choice of means of transport other than the private car and the traffic generated would not have a severe impact on the highway network.

The track is located within the grounds of the school and would not result in any increase in vehicle movements or parking demand.

17. Policy HW2 of the Chorley Local Plan 2012 – 2026 reflects that of paragraph 99 of the Framework and Sport England policy and seeks to protect existing open space and states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless certain criteria can be met. This approach is reflected and supported in the Framework.
18. Policy HW2 states that: *'Land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:*

- a) Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
- b) It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
- c) The site is not identified as being of high quality and/or high value in the Open Space Study; and
- d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and e) The site does not make a significant contribution to the character of an area in terms of visual amenity.'

19. Sport England's objection to the proposal is noted and must be given appropriate weight in the planning balance. The applicant has responded to their objection as follows:

'The football club have advised that they can accommodate two 5 a-side pitches if necessary, however, they generally only require one pitch for training purposes. The school field is no longer used by the club for older children as their own facilities have been significantly enhanced. The football club have also advised that they can safely incorporate the running track within the run-off area for the pitches. It is also worth noting that the school field could never accommodate a full 7 a-side pitch... The local football group were consulted on the size of the track to ensure that they could still use the field for matches when needed. The daily mile track has significantly improved the school's outdoor facilities and has enabled pupils to use the field all year round to complete the daily mile this has greatly improved the fitness level of pupils and has also enhanced the school's curriculum. The track has not impeded on the football club's use of the field as the pitches can be accommodated within the area available and they have continued to regularly use the field since the track was installed over a year ago.'

Charnock Richard Junior Football Club have responded to state that: *'we are able to fit 2 5-a-side pitches inside the running track and are able to use these for our matches and training. We have managed to do this whilst incorporating the running track safely within the run-off area for the pitches.'*

20. Sport England's primary concerns appear to be with the track impeding on a 3m safety margin around the pitches and that the track restricts the pitches from being moved/rotated to allow the surface to restore itself. It seems from the above responses however that the pitches are still being used effectively and that the track is providing additional health benefits to school pupils. It is not considered that there is any conflict with policy HW2 of the Chorley Local Plan or paragraphs 99 or 187 of the Framework as the use of the pitches is not being impeded. Further, the use of the field has increased through the introduction of the track for the daily mile exercise. The proposal is therefore supported by paragraph 92 of the Framework and 24 of the Core Strategy.
21. Overall, it is considered that this proposal would improve access and opportunities for physical activity through the retention of a track to enable pupils to complete the daily mile exercise. The proposal is therefore considered to comply with the Framework, policy 24 of the Central Lancashire Core Strategy and policies HW1 and HW2 of the Chorley Local Plan 2012 – 2026 and is, therefore, acceptable in principle.

Other issues

Drainage and Flood Risk

22. The track surface is cambered so that surface water would run-off to surrounding grassed areas. Given the relatively small surface area of the proposed track and abundance of surrounding permeable grassed playing field, it is not considered the track would result in any unacceptable impacts with regards to flood risk or drainage.

CONCLUSION

23. The proposed development would enhance the recreational potential of the existing school playing field, and the social benefits in terms of increasing opportunities for sport and recreation in supporting healthy lifestyles are clear. The development would not impact unacceptably on the overall appearance and character of the area and there would be no harmful impact on neighbour amenity over and above the current situation. Nor would there be any harmful impact on highway safety or surface water drainage. On this basis it is recommended that Planning Committee be minded to grant planning permission, subject to conditions and that the application be referred to the National Planning Casework Unit to determine whether the Secretary of State wishes to call the application in for a decision.

RELEVANT HISTORY OF THE SITE

Ref: 00/00536/FUL **Decision:** PERFPP **Decision Date:** 23 August 2000
Description: Extension to classroom,

Ref: 03/00407/FUL **Decision:** PERFPP **Decision Date:** 24 June 2003
Description: Extension to toilets,

Ref: 08/00882/FUL **Decision:** PERFPP **Decision Date:** 25 September 2008
Description: Erection of two single storey extensions,

Ref: 14/00328/FUL **Decision:** PERFPP **Decision Date:** 22 May 2014
Description: Installation of canopy to external play area to facilitate outdoor teaching.

Ref: 17/00134/FUL **Decision:** PERFPP **Decision Date:** 30 March 2017
Description: Construction of a single storey extension to the existing school building to form a new classroom.

Ref: 19/00370/FUL **Decision:** PERFPP **Decision Date:** 20 June 2019
Description: Erection of single storey extension.

Ref: 19/00402/FUL **Decision:** PERFPP **Decision Date:** 5 August 2019
Description: Multi-Use Games Area

Ref: 21/00605/PAR **Decision:** PAAPP **Decision Date:** 9 July 2021
Description: Installation of roof mounted solar PV panels

Ref: 91/01033/FUL **Decision:** PERFPP **Decision Date:** 15 January 1992
Description: Front extension to form classroom and ancillary accommodation and extension of car park

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans below:

Reason: For the avoidance of doubt and in the interests of proper planning

Title	Plan Ref	Received On
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Site Location Plan	n/a	8 March 2023
Site Plan as Existing & Proposed	2114.23/SP01 Rev B	9 November 2021
Section Through Path	MMD033.03.21.01	30 March 2021