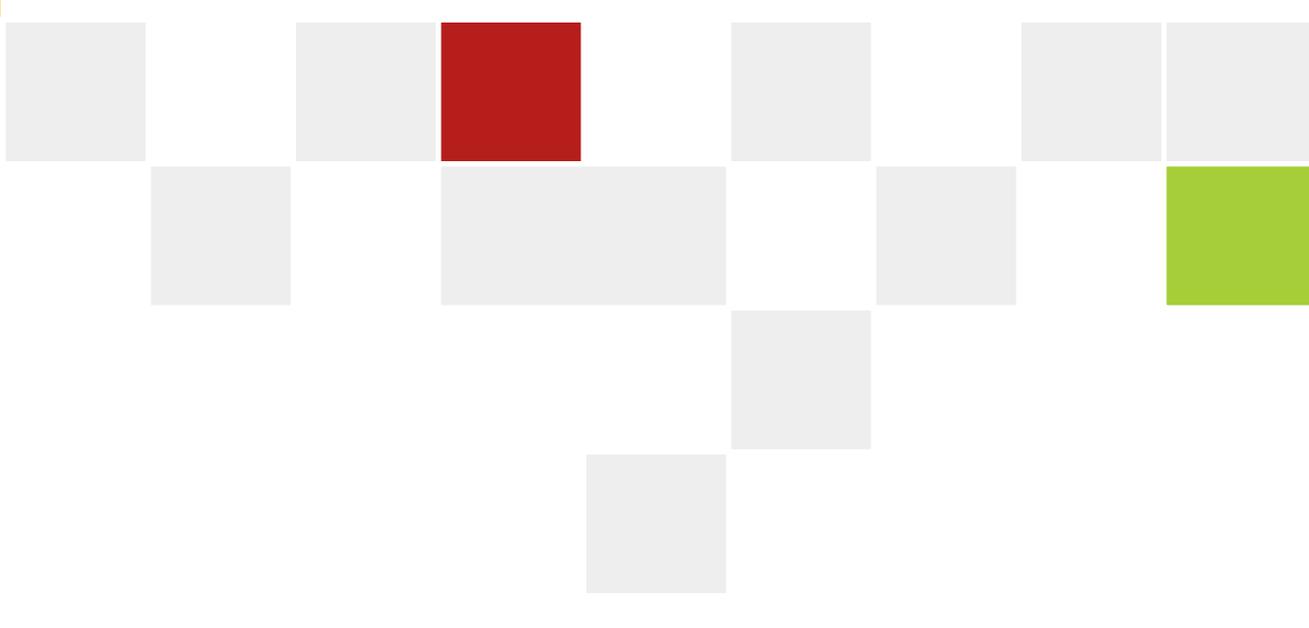


Colchester Local Plan Part 2 Examination



Hearing Statement Matter 5



Boyer

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Appendix One – Sport England Application Comments

1. INTRODUCTION

- 1.1 This Hearing Statement is submitted on behalf of Eastern Counties Educational Trust (ECET) Limited in respect of land to the north-west of Oxley Parker Drive (part of the Former Oxley Parker School), Mill Road, Colchester.
- 1.2 Representations have previously been made on behalf of ECET Ltd to the following Local Plan consultations:
 - Call for Sites (2014)
 - Local Plan Issues and Options (2015)
 - Local Plan Preferred Options (2016); and
 - Local Plan Publication Draft (2017).
- 1.3 The previous representations have made comments on Policy NC1 North Colchester, we have therefore focused on this policy and the questions asked by the Inspectors in relation to North Colchester within this Hearing Statement.
- 1.4 As such, this Statement addresses Main Matter 5.

Site Context

- 1.5 Eastern Counties Educational Trust is a Registered Charity supporting youngsters having Special Educational Needs (emotional and behavioural difficulties) in East Anglia, giving grants to special schools and other local charities helping disabled youngsters.
- 1.6 The site at Oxley Parker Drive was previously used as privately owned playing fields in connection with the former Oxley Parker School, which was established on the site in 1971. This land has now been vacant and unused since 1998, when the school closed. This historic functional connection as open space has been definitively abandoned since the main body of the school site was developed for housing about 15 years ago in the form of Oxley Parker Drive itself.
- 1.7 The site remains vacant and in private ownership, fenced off, with no public access. It does not form part of any public open space.
- 1.8 Access to the site can be achieved from Oxley Parker Drive and the site is of an appropriate scale and position to provide a suitable development that does not result in significant impacts on the amenities of existing or future residents.
- 1.9 A planning application (Ref: 193145) has recently been refused on the site on the grounds of the open space designation. The application sought permission for 40 dwellings together with an area of open space and landscaping. An appeal on the site is being considered.
- 1.10 The supporting documents submitted with the application identified no constraints to development, and the application resulted in no objections from statutory consultees including highways, flood risk or ecology.

- 1.11 The site benefits from good access to, local amenities and facilities, including existing and proposed commercial/employment uses, open space, links to both public and private transport interchanges and the town centre,. It lies within walking and cycling distance of existing bus stops and the railway station and as such growth in this location would assist in achieving more sustainable travel behaviour and reducing congestion levels in the town.
- 1.12 The site represents an available, suitable and deliverable (as defined in the NPPF) opportunity for sustainable residential development that could contribute to the delivery of housing early in the plan period and would complement the vision for the Colchester Northern Gateway development area. Such allocation could also provide scope for incorporation of an element of open space.
- 1.13 The allocation of the site as public open space is not justified as defined in the NPPF as the site is not open to the public and is within charity ownership whom have no desire or impetus to bring the site forward as the Council have allocated.

2. MAIN MATTERS, ISSUES AND QUESTIONS

- 2.1 This Hearing Statement seeks to address the Inspectors questions in relation to Main Matter 5 North Colchester, to which we have previously commented in relation to policy NC1.

Main Matter 5 North Colchester (Policies NC1 to NC4)

Are the policies and site allocations for North Colchester justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the CLP 1?

- 2.2 The growth strategy for the north of Colchester is supported as it is a sustainable location capable of accommodating further residential development. However, it is important to ensure that the Local Plan provides sufficient sites for housing in sustainable locations, which are able to delivery different types of housing at different stages in the Local Plan period.
- 2.3 Site Allocation NC1 for residential development is supported in principle, however the boundaries of the allocation show no regard for the local context, instead they simply follow ownership boundaries.
- 2.4 The site at Oxley Parker Drive lies adjacent to the emerging allocation, abutting it on two sides, with a public right of way and existing residential development on the other two sides and it would be entirely logical to include this disused area of land within the allocation. The current planning application for site NC1 (Ref:190665) shows residential development on the boundaries of the Oxley Parker Drive site, which would then be effectively surrounded by residential development. Without its inclusion within the allocation or as a standalone allocation, it becomes an anomaly surrounded by development. It is a site in charity ownership and is private land with access to the public restricted by fencing. It is therefore considered that the Council policy is not effective and justified (in accordance with the NPPF definition). Including the site as a residential allocation would provide a viable and long term use for the site which meets the principles of sustainable development.
- 2.5 The site has an historic open space designation, which has not been reviewed correctly by the Council due to the lack of appropriate up to date open space assessments within the Local Plan Evidence Base. The comments by Sport England (attached as Appendix 1) on the recent planning application on the site indicate they consider limited pitches could be provided on the site and in any case new ancillary changing and parking/access facilities to support a replacement field, would need to be provided, therefore a financial contribution would be appropriate in lieu of direct replacement playing field provision. Further information regarding the open spaces in the area are discussed in the Statement relating to Main Matter 17.

- 2.6 As it stands the site performs a very limited open space function and is of limited quality, it is not deliverable as a useable area of publically accessible open space and there has been no indication from the Council as to how open space on the site could realistically come forward. The allocation as open space has not been positively prepared, nor is it justified or effective in accordance with NPPF definitions.
- 2.7 A number of representations have been made over the years that demonstrate the site could form part of allocation NC1 or provide additional residential development as a standalone allocation. The site represents an available, suitable and deliverable opportunity for sustainable residential development that could contribute to the delivery of housing early in the plan period and would complement the vision for the Colchester Northern Gateway development area. Such an allocation could also provide scope for incorporation of an element of open space, impetus for which would simply not exist for an unjustified, and wholly undeliverable allocation for public open space, covering the whole site.

Do the housing land site allocations in North Colchester show how they will contribute to the achievement of the overall housing requirement of the CLP Section 1 (14720 new homes) and its timescale for delivery?

- 2.8 Yes. It is considered that the housing allocations in North Colchester do show how they will contribute to the overall housing requirement of the Local Plan. However, as a sustainable location, it must also remain flexible and allow other sites to make a contribution to the supply where appropriate.
- 2.9 In line with NPPF guidance, the housing requirement is not considered as a ceiling and therefore additional housing will help meet the Government targets for residential development.
- 2.10 In addition, the Local Plan requires flexibility of delivery and should ensure that appropriate sites are capable of coming forward in different stages of the Plan. Many of the allocations in North Colchester are large sites dependent on the relocation of existing uses prior to development taking place. The residential elements of the allocations are often part of a wider scheme and delivery is not necessarily straightforward. The allocation of smaller sites allows for delivery in the earlier stages of the plan, and therefore smaller allocations have a vital role to play in sustainable development of the area and assisting in maintaining supply.

APPENDIX ONE – SPORT ENGLAND APPLICATION COMMENTS

Clare McKeever

From: Roy Warren [REDACTED]
Sent: 22 January 2020 16:56
To: Planning Services
Subject: App Ref: 193145 - Land at Oxley Parker Drive, Colchester

For the attention of David Lewis

Dear Mr. Lewis

App Ref: 193145 - Land at Oxley Parker Drive, Colchester (Sport England Ref: PA/20/E/COL/54503)

Thank you for consulting Sport England on the above application.

Summary: An **objection** is made to this planning application as a non-statutory consultee. This objection could be addressed if direct replacement playing field provision was made or a financial contribution towards the delivery of suitable playing field projects was secured in lieu of direct replacement provision as set out in this response.

Sport England – Non-Statutory Role and Policy

It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

However, as the playing field (the former Oxley Parker School playing fields) has not been used for at least five years, the consultation with Sport England is not a statutory requirement.

Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 97) and Sport England's policy on planning applications affecting playing fields www.sportengland.org/playingfieldspolicy

Sport England's policy is applied to any land in use as playing field or last used as playing field, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.

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 or any part of a playing field or land last used as such, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal involves an outline planning application for redeveloping the former Oxley Parker School's detached playing field for 40 dwellings which would result in the loss of the former school's playing field which when last in use (1998) would have been used for marking out winter and summer playing pitches.

Assessment against Sport England Policy

I have considered the proposals with regard to the specific exception criteria identified in the above policy and would make the following comments:

- Exception 1 – Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of community playing pitch provision. In this regard, Colchester Borough Council's Playing Pitch Strategy (2015) <https://www.colchester.gov.uk/info/cbc-article/?catid=emerging->

[local-plan&id=KA-02202](#) provides the Council's evidence base. The assessment supporting the strategy has identified current and/or future deficiencies in junior football pitch, artificial grass pitch and cricket pitch provision. Furthermore, the more recent (2018) Local Football Facilities Plan <https://localplans.footballfoundation.org.uk/local-authorities-index/colchester/colchester-local-football-facility-plan/> prepared by the Football Foundation in consultation with Colchester Borough Council has identified a need for two additional 3G artificial grass pitches, current deficiencies in artificial grass pitch provision and overplay of cricket and rugby pitches. Paragraph 96 of the NPPF does not distinguish between current and future needs and Sport England's playing fields policy takes the same approach. The Council's Playing Pitch Strategy & Action Plan document recommends (Recommendation a) the protection of sports facilities and of particular relevance recommends that where schools are closed their playing fields may be dedicated to community use to help address any unmet community needs and that they should be considered in the first instance for becoming community playing fields for meeting the needs identified in the Strategy before being considered for other uses. Sport England was engaged in the preparation of the playing pitch strategy and it is considered robust. I am therefore of the view that there is not an excess of community playing field provision in the Colchester area.

- Exception 2 – Not applicable. The proposed development is not ancillary to the principal use of the site as a playing field;
- Exception 3 – Not applicable. The area proposed for the development would result in the loss of the whole playing field which prior to the former school closing would have been capable of being marked out for natural turf playing pitches;
- Exception 4 – Not applicable. No direct replacement playing field provision is proposed;
- Exception 5 – Not applicable. No new sports facilities are proposed.

Sport England considers proposals for the development of playing fields that are no longer in use in the same way as playing fields that are in active use because development on them would permanently prevent such sites from being brought back into use. Even if the playing fields are no longer needed for educational use this does not affect our position. Sport England's playing fields policy and the Government planning policy on playing fields (in paragraph 97 of the NPPF) does not distinguish between public and school playing fields and whether playing fields are currently in use or not. It should be emphasised that Sport England's role is to safeguard playing fields for meeting the needs of current and future users. While this playing field may not be needed for educational use in the future, it may be required for meeting current or future community playing pitch needs as demonstrated by the Council's playing pitch strategy.

The area of public open space proposed in the development is a small area of informal open space to serve the residential development that is not designed or intended for formal sport and therefore would not be considered to represent equivalent/better replacement playing field provision in accordance with Sport England's playing fields policy or paragraph 97 of the NPPF. Reference is made in the Planning Statement to the proximity of the 'Village Green' open space proposed on the adjoining Colchester Northern Gateway (South) development. However, this is open space that has been proposed to meet the needs of Colchester Northern Gateway (South) development. It has not been proposed to replace the playing fields on the application site. Furthermore, the Village Green in this development is intended for informal recreation use rather than formal sport (i.e. marked out with playing pitches with supporting ancillary facilities) and therefore would not be considered as an equivalent replacement facility. Reference has also been made to the proximity to the Sports Hub that is being constructed on the Colchester Northern Gateway (North) site. However, the playing fields proposed in this development have been proposed to directly replace the playing fields lost on the Mill Road Playing Fields site (Colchester Northern Gateway South site) which meet current community needs. They have not been proposed to replace playing fields lost on other sites such as the application site.

Conclusion and Recommendations

In conclusion, the proposed development, without playing field mitigation, would not be considered to accord with any of the exceptions to Sport England's playing fields policy or Government policy in paragraph 97 of the NPPF. I can therefore confirm that Sport England would **object** if planning permission was approved without any playing field mitigation.

However, potential is considered for the proposal to accord with exception 4 of our playing fields policy if the playing field was replaced in accordance with this exception. This could take the form of replacing the playing field directly by delivering new or extended playing fields elsewhere in the Colchester area. Advice should be sought from Sport England if the applicant wishes to pursue this option.

Alternatively, on this occasion, given the limited number of playing pitches that could be accommodated on the application site and the need to provide new ancillary changing and parking/access facilities to support a replacement playing field, this could be in the form of an appropriate financial contribution being made (to Colchester Borough Council) in lieu of direct replacement playing field provision which would be used towards delivering priority playing field projects on strategic playing field sites in the local area. This approach would be consistent with Recommendation (a) of the Playing Pitch Strategy & Action Plan and would be supported by sports governing bodies. In order to progress this option towards a solution that could accord with Sport England's policy and therefore lead to the objection being withdrawn, the following course of action would need to be followed:

- An acceptable financial contribution amount would have to be agreed between the applicant, the Borough Council and Sport England in advance of the planning application being determined.
- A playing field project(s) for spending the financial contribution on would need to be identified and agreed between all parties. The project(s) would need to be a priority project in terms of helping to meet current and future community playing pitch needs identified in the Council's playing pitch strategy action plan. The project(s) would also need to be deliverable within a reasonable timescale. The agreed financial contribution would need to be ring fenced in a section 106 agreement, paid to the Borough Council within an agreed timescale and used towards the delivery of the agreed project(s).
- The trigger point for making the financial contribution through the section 106 agreement would need to be agreed before the planning application is determined to ensure that the financial contribution is paid as soon as possible in order to allow the mitigation project to be delivered within a reasonable timescale and to ensure that there is not a significant time lag between the playing field on the application site being lost and the mitigation project being completed and operational. In this regard, it should be noted that exception 4 of the above policy which relates to replacement playing field provision requires replacement facilities to be provided in advance of an existing facility being lost in order to provide continuity of facility provision for users. While flexibility can be applied to the timing of delivery of replacement facilities based on the circumstances of individual cases, this policy approach represents our default position.

To take this option forward, it is advocated that discussions take place between the applicant, the Council and Sport England about the above matters in advance of the application being determined.

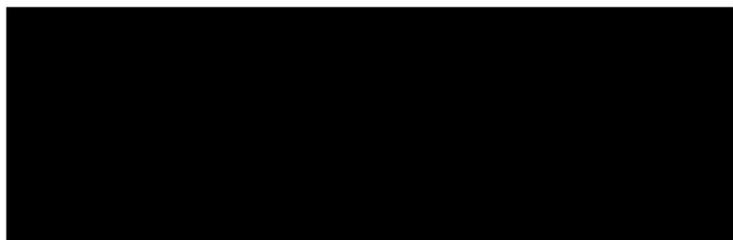
If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

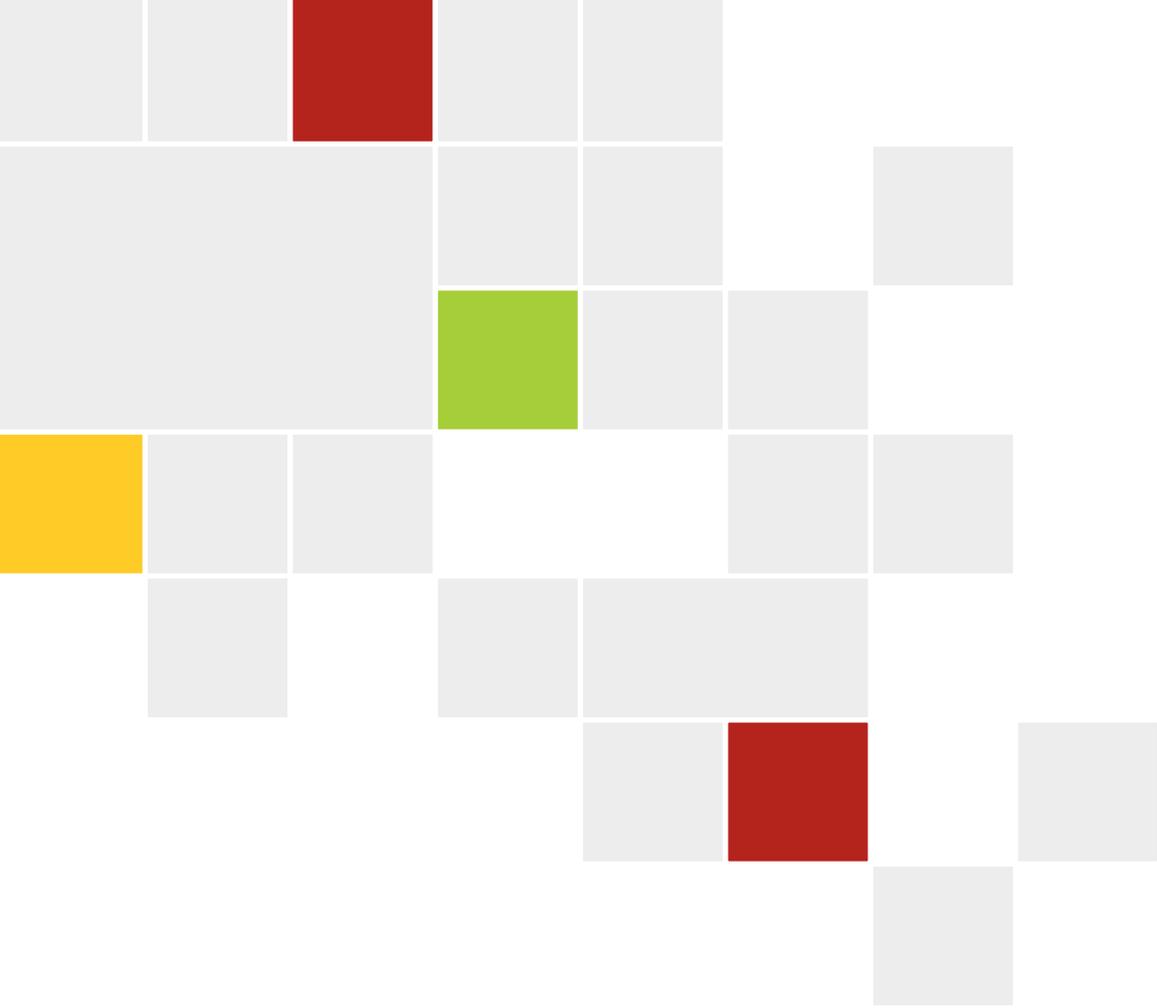
If you would like any further information or advice please contact me at the address below.

Yours sincerely,

Roy Warren

Planning Manager





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