AMENDED

OPEN SPACE REPORT

Heart of England Co-operative Society Limited

Oakfield Recreation Ground, Bilton Road, Rugby

January 2016
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1. **INTRODUCTION**

1.1. This report has been produced to address open space issues in relation to the revised planning application for residential development submitted by the Heart of England Cooperative Society Limited on the Oakfield Recreation Ground, Bilton Road, Rugby.

1.2. This report replaces the earlier report dated October 2014 produced by Anna Kocerhan which was submitted with the original planning application in May 2015.

1.3. The report produced by Ms Kocerhan was based upon earlier open space and related assessments produced by Rugby Borough Council. This report is based upon the Open Spaces and Playing Pitch Strategies issued by Rugby Council in late November 2015. Those strategies were produced by consultants Nortoft Partnerships Limited using methodologies in line with government guidance contained in the National Planning Policy Framework (NPPF) and Sport England’s playing pitch strategy guidance.

1.4. The Playing Pitch Strategy has been endorsed by the relevant governing bodies of sport (the FA, ECB and RFU) and Sport England following a number of meetings with the council’s officers and Nortoft. The methodologies and assessments are consequently considered to be robust and up to date and in accordance with the requirements of paragraph 73 of the NPPF.

1.5. The proposals on which this report are based are those contained in the revised illustrative layout – 13-050/CP02 submitted to Rugby Borough Council in January 2016.
2. OAKFIELD RECREATION GROUND

2.1. The recreation ground is located on the north side of Bilton Road, approximately 500m west of the town centre of Rugby. The site is owned by the applicant, the Heart of England Cooperative Society Limited and was formerly leased to Rugby Borough Council for open space use. This lease came to an end and was not renewed in June 2013.

2.2. The recreation ground can currently be accessed from the north (Charles Street and Northcote Road) and from the south (Bilton Road). It has residential properties to the north, west and south (on the opposite site of Bilton Road) and has a bowling green (outside the application site) to the north east. To the south of the bowling green are the Rugby Cooperative Funeral Home premises and grounds.

2.3. Within the site there is an equipped children’s play area immediately adjacent to the bowling green. The remainder of the site is grassed and contains a senior football pitch which is no longer used for formal football matches.

2.4. The recreation ground has historically been used as an amenity open space and recreation area by the local community although the site has never been in public ownership. The use of the site (apart from the children’s play area and associated use of the football pitch) appears to have been generally low key in nature, including use by dog walkers.

2.5. The former use of the football pitch on the site was not supported by on site car parking or any form of changing and shower facilities for the teams.

2.6. It is understood that, in July 2015, an application to register the site as a Town or Village Green was unsuccessful.
3. **PLANNING POLICY CONTEXT**

3.1. Planning policy and guidance which relates to open space and sports facilities is contained within the following documents:

- National Planning Policy Framework (paragraphs 73 - 74) – 2012
- National Planning Practice Guidance (various – see below) – 2014 onward
- Adopted Rugby Core Strategy (Policy CS 14) – 2011
- Saved Policies of the Rugby Local Plan (Policies LR1 and LR4) – 2006, saved in 2011
- Emerging Local Plan (Preferred Options) (Policy HS4) – 2015. As this has only reached preferred options stage and objections on behalf of the applicant are to be submitted in relation to Policy HS4, very little weight can currently be attached to this policy.

National Policy and Guidance

3.2. National planning policy guidance in relation to the potential loss of existing open space, sport and recreational buildings and land, currently provided in paragraph 74 of the National Planning Policy Framework (NPPF) and previously provided in PPG 17, has consistently been to resist such losses unless one of three exceptions can be met. These can be summarised as:

- A robust assessment has shown that the open space land or facility is surplus to requirements;
- The open space land or facility to be lost would be replaced by equivalent or better provision in a suitable location;
- The development is for alternative sport and recreation provision, the need for which clearly outweighs the loss.
3.3. Such assessments referred to in the first exception must be robust and up to date. In this instance, the open space and playing pitch strategies produced by Nortoft Partnerships Limited for Rugby Borough Council and published in November 2015 must be considered to be both robust and up to date.

3.4. The policy contained in paragraphs 73 and 74 of the framework is supported by additional guidance in the National Planning Practice Guidance website. The most up-to-date guidance is contained in paragraphs 001-003 (ID 37-001/3 - 20140306). Paragraph 2 of this guidance refers to Sport England’s guidance on how to assess the need for sport and recreation facilities. This advice has been followed by Nortoft Partnerships in the production of the Playing Pitch Strategy.

3.5. Paragraph 3 of the above guidance makes reference to the need for local planning authorities to consult Sport England on proposals involving the potential loss of playing fields. Sport England have been consulted in respect of the relevant application on this site and their initial response dated 9th June 2015 is attached at Appendix 1. This aspect of the proposals is considered in Section 4 of this report below.

Local Policy

3.6. Policy CS14 of the adopted core strategy is entitled “Enhancing the Strategic Green Infrastructure Network” and seeks to work towards the creation of a comprehensive Borough-wide strategic GI network, which will be achieved by “the protection, restoration and enhancement of existing GI assets within the network as shown on the Proposals Map” (emphasis added). The application site is not shown as part of the GI Network on the GI Proposals Map.

3.7. The adopted Core Strategy pre-dates the NPPF and it is doubtful if Policy CS14 is directly relevant to the proposals at Oakfield Recreation Ground in any event. The site is not identified on the Green Infrastructure Network, although it is identified on the Town Centre Inset Map as an area of Open Space under Policy LR4, which is a saved local plan policy, rather than a Core Strategy policy.
3.8. On the basis of the above reading of Policy CS14 and the relevant proposals map, it is considered that the application site is not protected by Policy CS14. This view is supported by paragraph 6.7 of the Core Strategy, which states that “the provision, protection and exceptions to the safeguarding of open spaces, sports and recreation facilities will be addressed through the Development Management DPD” (now the Emerging Local Plan).

3.9. The application site is identified as Open Space in the Adopted Local Plan (2006) proposals map. Saved policy LR4 (Safeguarding Open Space) is therefore relevant. The policy allows the development of open space shown on the proposals map for non-sport and recreation uses provided that one or more of three criteria are met. The criteria are as follows:

- The open space is no longer needed or of value for its current or other open space use now and in the foreseeable future;
- The development would result in the enhancement of sport and recreation facilities sufficient to outweigh any loss of the existing facilities.
- In the case of school playing fields, the development is for educational purposes that outweigh the loss of the existing facilities.

3.10. The policy does not contain a criterion relating to the potential replacement of any site to be lost to development and is thus not in accordance with either current national policy in the NPPF nor the previous policy in place at the time the Local Plan was produced (PPG 17).

3.11. The third criterion is not relevant to the application site.

3.12. The first and second criterion are potentially relevant to the application site and the current proposals and are discussed in more detail in Section 4 of this report.

3.13. The explanation to this policy, in paragraphs 10.14 to 10.16 notes that the Council will have regard to the findings of the Open Space Audit (2008) and the Open Space Strategy.
(2003) together with any additional or updated information relating to the adequacy of provision in this area. Standards to be used in assessing local levels of provision are set out in Policy LR1. These standards have now effectively been superseded by the standards set out in the 2015 open space and playing pitch strategies, although many of the latter standards have been carried forward from the Local Plan.

3.14. Based upon the standards set out in policy LR1, which were developed through the 2003 Open Space Strategy, the Borough had an overall deficiency of open space in the urban area in 2006, although that provision was not evenly distributed.

3.15. Paragraph 10.16 of the supporting text to Policy LR4 notes that open spaces which are poorly managed and maintained can become unattractive and under used and do not serve the public interest. Poor use does not necessarily indicate an absence of need in an area. Consideration should be given to the quality and accessibility of open space.

3.16. Policy HS4 of the emerging Rugby Local Plan (Preferred Options) relates to open space and recreation. Part A sets out open space standards for new residential development of 10 dwellings and above. Part B sets out criteria for quality and accessibility of open space. Part C seeks to protect public open space assets defined on the Policies Map from development unless one of three criteria are met. The criteria are almost identical to those in paragraph 74 of the NPPF.

3.17. As noted above, the policies in the emerging Local Plan can only be given very limited weight at the moment as the plan is still at an early stage in its preparation. Having said that, part C of policy HS4 is consistent with the NPPF and more weight can be given to that part of the policy.

3.18. Representations on behalf of the applicant are to be submitted to the emerging local plan in respect of part A of Policy HS4.

3.19. Policy guidance in relation to the provision of open space in new developments is provided at a local level in the Planning Obligations Supplementary Planning Document (2012). Appendix 1 to the SPD includes tables showing levels of open space provision in
the Borough based on sub areas in the urban and rural parts of the Borough. However, this has now been superseded by the 2015 open space strategy and is considered to be irrelevant to the current application.

3.20. In addition to national and local planning policy and guidance set out in the NPPF/PPG and development plan documents, the policies and views of Sport England are relevant to the current proposals in respect of the football pitch on the application site. Current Sport England policy is set out in the document “A Sporting Future for the Playing Fields of England – policy on planning applications for development on playing fields”. The policy resists the loss of playing fields unless one or more of five exceptions can be met. These include the three options set out in paragraph 74 of the NPPF plus two others relating to ancillary sporting provision (i.e., changing rooms) and land which is incapable of forming part of a playing pitch.


Summary

3.22. In summary, the planning policy guidance which is relevant to the determination of this application is found in the NPPF and NPPG at a national level and in the saved policies of the 2006 local plan and, to a more limited extent, in the adopted core strategy and the emerging Local Plan.

3.23. In essence, the relevant policies require the protection of open space of public value unless it can be demonstrated that such open space is surplus to requirements (based upon a robust assessment), or that the open space can be satisfactorily replaced to an equivalent or better quality and quantity in a suitable location.
4. **ASSESSMENT OF PROPOSALS**

4.1. Against the policy background summarised above, the following section of the report identifies the current and previous use of the Oakfield Recreation Ground, the redevelopment proposals for the site, particularly the retained and enhanced area of amenity green space and the proposed mitigation measures, in order to demonstrate that the application is policy compliant.

4.2. There are three elements to the open space on the site:

- Equipped children’s play area;
- Senior football pitch;
- Amenity green space.

**Equipped Children’s Play Area**

4.3. The submitted proposals include the upgrading of the existing equipped children’s play area in the north east corner of the site. These proposals include the replacement of the existing play equipment and safety surfaces, plus the provision of a Multi Use Games Area (MUGA - approximately 30m x 15m) to the west of the play equipment. Grass amenity areas would be located to the north and south of the MUGA.

4.4. The provision of the MUGA will allow local residents, mainly children and young adults, to play five-a-side football, basket ball and other small-sided ball games throughout the year on an artificial surface which will permit more intensive use than a grass surface will allow. The enhanced play area and MUGA will be accessible from the north and south, as now.

4.5. Therefore, the first element of the open space, the equipped children’s play area, will not only be retained, but will be considerably improved and expanded.
Football Pitch

4.6. The football posts and pitch still exist on the site but it is understood that the last formal team use of the pitch took place in or before September 2014 (Nortoft Playing Pitch Strategy paragraph 4.22). As noted in section two above, the site has no on site parking or any changing facilities.

4.7. Team use of the football pitch was formally managed by Rugby Borough Council but this arrangement ceased in September 2014 and thus any use of the pitch after that date was informal and not part of the local league structures. It is likely that the football posts will be removed from the site shortly due to health and safety concerns.

4.8. The Nortoft playing pitch strategy assesses the current provision of grass football pitches in the Borough and comes to the following conclusions (paragraph numbers provided):

- There is limited potential to significantly increase the levels of football participation in the Borough (3.39).

- There is spare match capacity in every area of this authority (ie a surplus of pitch space) and some of the existing pitches are only lightly used or not at all (3.44 and 3.109).

- Spare match capacity in urban areas =
  
  - adults – 31
  - youth (11x11) – 5
  - youth (9x9) – 4
  - Mini (7x7) – 14
  - Mini (5x5) – 12 (figure 30)

- There is still a large current surplus of pitch space in the Borough if 20% of teams train on grass pitches (3.47).
• “Demand for football matches is easily met at this time” (3.64).

• Even with anticipated housing growth, there will be no significant impact on the overall surplus provision of pitch spaces across the Authority by 2031 (3.70).

• Best and most useful sites for football are:
  o Multi pitch
  o Have good quality changing provision
  o Are reasonably flat
  o Do not have informal public use of them, i.e., are fenced.
  o Do not easily become waterlogged in the winter
  o Have sufficient parking space (3.79).

• “The loss of the single pitch site at Oakfield Recreation Ground means that there is less overall long-term capacity for football in the urban area, however, if the other sites are retained and improved and if the sites coming forwards at Rugby Radio Station and Gateway are of sufficient quality, then the loss of the Oakfield Recreation Ground site for football is not significant”. (3.99).

• The objective for the next 5-10 years should be to have a smaller number of high quality sites which meet the requirements of football and meet, at minimum, the FAs Performance Quality Standards (3.125)

4.9. Given these very clear findings, which are the result of an up to date and robust independent assessment on behalf of the Council, the football pitch at Oakfield Recreation Ground must be said to be surplus to requirements, so far as football is concerned. Therefore, the requirements of paragraph 74 of the NPPF and saved Policy LR4 of adopted Local Plan are met in this regard.
4.10. The local plan policy requires it to be demonstrated that “the open space is no longer needed or of value for its current or other open space use now and in the foreseeable future”. The use of the football pitch and the remainder of the recreation ground for other sports or other open space uses is therefore considered later in this section.

4.11. In the original open space report submitted with the application, before the publication of the playing pitch strategy, it was proposed that the loss of the Oakfield Recreation Ground football pitch would be mitigated by a financial contribution of £100,000 towards the provision of a 3G artificial turf pitch at the Rugby Town Juniors FC site at Kilsby Lane, approximately 3 miles from the application site.

4.12. This contribution was the basis on which Sport England considered the proposed loss of the football pitch at the application site in its letter dated 9th June 2015. As the pitch has now been demonstrated to be surplus to requirements by the Council’s own assessment, it is expected that Sport England will not object to the revised proposals, so far as the football pitch is concerned, when it is re-consulted by the Council in due course.

4.13. However, Sport England’s policy requires the relevant assessment to demonstrate that there is an excess of playing fields in the catchment of the site and the site has no special significance for sport. The 2015 playing pitch strategy found the following in relation to the other pitch sports:

**Cricket**

- Overall across the Borough there would initially appear to be sufficient space for cricket, and this is the case if all of the cricket sites in the rural areas were to be used to their fullest extent and artificial strips can be used for some adults as well as junior matches. However, there is a lack of secure use cricket grounds in the urban area which are of sufficient quality to cater for the club game. This requirement for better quality sites has led to the concentration of the game onto sites which are mainly club controlled and have both the least overlap with winter sports and least informal use. (4.51).
o A new cricket ground should be established within the Rugby Radio Station site. (4.56).

o Site area needed for a cricket ground and all ancillary facilities is 2.0 ha (4.29).

Rugby Union

o Shortage of space for mid-week training and some match space (5.76).

o Improved facilities could be provided on existing club grounds and the Rugby Radio Station site. (5.106 – 5.108).

Hockey

o Rugby School site is used as a national junior development centre (2.31).

o Introduction of community use of Bilton Grange School AGP for hockey club use would benefit Rugby and East Warwickshire Hockey Club.

4.14. Therefore, whilst there is not an overall excess of playing fields for all sports in the Rugby borough area, the needs of the other pitch sports (ie non football) can demonstrably be met either by the improvement of existing facilities or by provision of proposed new facilities at the Rugby Radio Station site. Furthermore, the size of the Oakfield Recreation Ground site and proximity of residential properties, particularly to the west and north of the site, would not allow the provision of anything other than very basic playing field facilities, if the site was available for sporting use, which it clearly is not.

4.15. It is also clear that the central thrust of the Nortoft/Council Playing Pitch Strategy, in terms of new provision, is for publicly available multi-use sites which are capable of providing several pitches, plus changing and parking facilities, rather than privately owned single pitch sites such as the application site.

4.16. It is clear that, although the site has been used in the past for football, it has no special significance for sport, in terms of Sport England’s policy.
4.17. It is therefore considered that the proposals meet the requirements of exception E1 of Sport England’s policy and the requirements of the NPPF and saved Policy LR4 of the adopted local plan in relation to playing fields.

4.18. Notwithstanding the compliance with the requirement of the NPPF, the adopted local plan and Sport England’s policies for the reasons stated above, the applicant is still prepared to make a financial contribution of £100,000.00 to be used to part fund the proposed artificial turf pitch at Kilsby Lane or, should that proposal not proceed, another priority identified in the playing pitch strategy.

4.19. The proposed 3G artificial turf pitch at Kilsby Lane would be entirely in line with the recommendations of the playing pitch strategy and would develop football in the Borough far more successfully than the single grass pitch on the application site could do.

4.20. Should Sport England not agree that the requirements of its policy under exception E1 are met, the proposed contribution will meet exception E4, in that the playing field at Oakfield Recreation Ground would be replaced by equivalent or better facilities at Kilsby Lane. In the unlikely event that the Kilsby Lane facility does not proceed, the £100,000 contribution would be used to deliver one or more of the other football priorities identified in paragraph 3.132 of the playing pitch strategy.

Amenity Green Space

4.21. The Nortoft Open Space report was published in late November 2015, at the same time as the Playing Pitch Strategy. The report assesses the non-playing field types of open space in the borough, using accepted typologies. It identifies the Oakfield Recreation Ground as an Amenity Green Space with a children’s play area/Neighbourhood Equipped Area for Play (NEAP) in the north east corner.

4.22. The existing equipped play area on the site is very basic and does not meet the definition of a NEAP as provided by Fields in Trust in their document “Planning and Design for Outdoor Sport and Play” (2008). To be considered as a NEAP, the play area should have
both play equipment and a hard surfaced area for ball sport. As it presently exists, the play area should be considered as a Local Equipped Area for Play or LEAP.

4.23. The starting point for the Open Spaces report is the previous open space audit carried out in 2008. Paragraph 1.1 of the 2015 report notes that “The emerging best practice for open space assessments is a primary focus on areas which have significant value for informal recreation. Areas with no public access....... have therefore been excluded.” Whilst public access to the Oakfield Recreation Ground is currently available, this is only because the applicants currently allow it and this can by no means be assumed to continue in the future. If public access is curtailed in the future, by definition, the site should no longer be considered to be accessible open space. The applicant’s proposals involve the retention of an upgraded area of amenity greenspace, including a NEAP, in the north east corner of the site and this would become and remain a public asset in perpetuity.

4.24. The Open Spaces report notes that the adopted standards for the various types of open space are set out in the 2006 Local Plan and accessibility standards are set out in the Green Spaces Strategy (2014). Each ward in the urban part of the Borough is assessed in terms of several open space typologies. The application site is located within the New Bilton ward.

4.25. Section 5 of the Open Spaces report considers the provision of amenity green space in the Borough. Paragraph 5.13 and 5.14 note that Rugby Borough Council’s current provision standard of 1.1 ha per 1000 population in urban areas is double that of the national average and the accessibility standard is similar to the national average, both as defined in the Fields in Trust survey findings of January 2015. Paragraph 5.17 notes therefore that the current standards “are on the high side”.

4.26. Emerging best practice, as identified in the Open Spaces report, suggests that, to be a useful amenity green space, such areas should include the following characteristics:

- 0.2ha or greater in size, or have a clear amenity use, for example children’s play.
• Permanently available for informal public recreation use.

• Reasonably flat and accessible to the local community.

• Provided with facilities, including as appropriate, children’s equipped play, seating and kick about area.

• Not be primarily a playing field.

4.27. Such characteristics would class both the existing site and the proposed smaller area shown in the revised layout drawing as amenity green space.

4.28. As with the other types of open space, the Open Spaces report tests the existing standards of provision for amenity green space in each ward of the urban area (ie 1.1 ha per 1000 population in urban areas and a 500m walking threshold). Using those standards, only four urban wards meet the provision standard and only two urban wards fully meet the accessibility standard for all parts of the ward.

4.29. Two of the wards which meet the provision and accessibility standards are immediately adjacent to New Bilton ward – Admirals and Cawston ward, to the west and Rokeby and Overslade ward, to the south.

4.30. New Bilton ward meets the accessibility standard in all parts of the ward but has a deficit for the provision standard of 4.50 ha. However, the Open Spaces report does not include a relatively large area of amenity green space a short distance to the south east of the Oakfield Recreation Ground. This is the Merttens Playground for Children on Merttens Drive which, as its sign indicates (see Appendix 2), is “provided for recreation only for the children of New Bilton who are of school age and under school age if accompanied by a responsible person.”

4.31. Whilst the open space is owned by Warwickshire County Council and also apparently used as a playing field for the adjacent primary school (although the grass does not seem to be maintained at a height for such use), the sign clearly indicates that its use is not
restricted to school use. As the open space has an area of approximately 1.5 ha, the deficit for the ward should be reduced to 3 ha.

4.32. Paragraph 5.31 of the Open Spaces report notes that “the need for amenity green space will vary from one area to another for example, long established low density leafy suburbs where homes have reasonably large gardens have much less need for a network of publicly accessible green spaces than typical “developer suburbs” containing houses with fairly small gardens. In turn, these areas require less publicly accessible green space than inner suburban areas of high density housing.”

4.33. Using the broad categories above, the properties on Bilton Road would fall within the first category (long established leafy suburbs where houses have reasonably large gardens), whilst the properties to the north are more densely developed with smaller gardens. Therefore, using the consultants own definitions, the properties to the north of the application site would have more need for amenity green space than those to the south. It is consequently relevant to note that the retained amenity green space and enhanced children’s play area would remain adjacent to and accessible from the properties to the north of the site, as well as being accessible to properties to the south.

4.34. In terms of the accessibility threshold, if the proposed residential development of the Oakfield Recreation Ground takes place, the smaller retained and enhanced area of amenity green space would still contribute towards the provision of that type of open space in the ward and all residents in the ward would still be within 500m of such an area.

4.35. Furthermore, residents in the southern part of the New Bilton ward would still have access to the large area of amenity green space adjacent to Sow Brook North, within the Rokeby and Overslade ward. This is accessible from Bilton Road via Westfield Road and is less than 400 m from the southern boundary of the existing Oakfield Recreation Ground.

4.36. Paragraph 5.32 of the Open Spaces report notes that “While there is ample amenity green space in Rugby as a whole, there are some minor geographical imbalances in the
distribution of these spaces.” The report recommends that the amenity green space standards remain the same as the existing.

4.37. The recommendation to retain the existing provision standard is highly questionable, as there is no realistic possibility of it ever being achieved in the urban part of the borough. This is particularly so in the more densely populated urban areas, such as New Bilton where the only way to meet the standard would be to provide more open space by demolishing buildings, something which is highly unlikely to happen at any time, but even less so at the present time when housing provision is at the top of the Government’s agenda and local government budgets are continually being reduced.

4.38. The companion guide to the previous national planning policy guidance on open space, sport and recreation, PPG 17 (Assessing Needs and Opportunities) makes it clear that "there is no point in adopting standards which are unlikely to be achievable” (para 6.5).

4.39. The Open Spaces report does not identify any means of bridging the gap between actual levels of provision of amenity green space and the existing/retained standard. However, in the section of the report which looks at parks and gardens, (which usually provide similar types of facilities as amenity green space at a larger scale), it suggests that any shortfalls of that type of open space could be met by by reviewing whether investment in an existing amenity green space would achieve the upgrading of that site to parks and gardens standard.

4.40. The latter approach would, at first, appear to be somewhat illogical, as it would raise the level of parks and gardens provision only at the expense of a lower amenity green space level of provision. However, as noted in paragraph 5.35 of the report, most local residents use parks and gardens as amenity green spaces in any event and, when taken together, everyone living in Rugby town can reach either a park and garden or an amenity green space within 500m.

4.41. Therefore, the report appears to accept that, providing all residents are within the accessibility threshold of either a park and garden or an amenity green space, the fact that the provision standard is not capable of being met is less important.
4.42. Furthermore, as local residents appear to see parks and gardens and amenity green spaces as the same type of resource, it would be appropriate to assess the provision of those two types of open space under a combined new typology, perhaps called parks and amenity green space. If the areas for the two types of open space are combined into one category, the level of provision for the New Bilton ward, including the Merttens Recreation Ground would be 1.68 ha per 1000 population (ie a total area of 13.95 ha against a population of 8298).

4.43. If the two types of open space are so similar that local residents use them for the same purpose, it would also be appropriate to introduce a new standard of provision for the new combined typology, particularly as the Open Spaces report states that the existing and retained standards for both parks and gardens and amenity green space are around double the national average as reported in the Fields in Trust survey.

4.44. Whilst it may not be acceptable to reduce the standard to national average levels, combining the two standards into one (ie 1.5 + 1.1 ÷ 2) would give a standard of 1.3 ha per 1000 population. This is a far more realistic standard and definition of open space which reflects both local residents’ usage of open space and the local levels of provision.

4.45. If the area of the Oakfield Recreation Ground which is proposed to be developed for residential purposes (1.49 ha) is subtracted from the existing total area of the combined parks and amenity green space in New Bilton ward, the total is still 12.46 ha, or 1.50 ha per 1000 population.

4.46. As noted elsewhere, representations on behalf of the applicant are to be submitted in response to the consultation exercise in respect of the Preferred Options stage of the emerging Rugby Local Plan. These representations will relate to the open space standards in Policy HS4.

4.47. In summary, if a more rational and realistic standard of provision for the combined parks and amenity green space typology is adopted, as suggested above, local levels of provision and accessibility standards for non-playing fields open space will still be maintained at or above the suggested standards, even taking account of the
development of the Oakfield Recreation Ground. Thus the site has been shown to be surplus to requirements for all relevant types of open space and the proposals are policy compliant in terms of the relevant open space policies.
5. CONCLUSIONS

5.1. This report has assessed the provision of all relevant types of open space within the New Bilton ward and the wider urban Rugby area, using the recently published Nortoft/Rugby Borough Council Playing Pitch Strategy and Open Space report as the evidence base. The strategy and report are both comprehensive, robust and up to date. The playing pitch strategy has been endorsed by the relevant governing bodies of sport and Sport England.

5.2. The report has confirmed that the existing poor quality children’s play area would be significantly upgraded to a NEAP, including better quality play equipment, safety surfacing and a MUGA.

5.3. The report has also found that the senior football pitch on the site is both surplus to requirements and would also be replaced by the £100,000 contribution which the applicant has offered and which would be used to bring forward the proposed 3G artificial turf pitch to be provided by Rugby Town Junior FC at their Kilsby Lane ground. Should that facility not proceed, the contribution could be used to bring forward one of the priorities for pitch sports identified in the Playing Pitch Strategy.

5.4. Finally, the report has shown that the retained and upgraded area of amenity green space and NEAP would satisfy local residents’ requirements in terms of the proposed combined parks and amenity green space typology, both in terms of the suggested provision standard and in terms of the walking threshold.

5.5. Whilst the proposals would involve the loss of an area of land which is presently identified as amenity green space, this land is not in public ownership and access to it could be restricted or completely curtailed at any time. The retained and upgraded open space on the site would become a public facility in perpetuity.

5.6. The proposals are therefore fully policy compliant in terms of local and national planning policy and Sport England policy.
APPENDIX 1: SPORT ENGLAND LETTER TO RUGBY BOROUGH COUNCIL DATED 09.06.2015
Mr R Redford  
Rugby Borough Council  
Town Hall  
Evreux Way  
RUGBY  
CV21 2ZP  

9 June 2015  

Our Ref: WM/RU/2015/39773/S  

Dear Mr Redford,  

App Ref: R13/1528  
Site: Oakfield Recreation Ground, Bilton Road Rugby CV22 7NZ  
Proposal: Outline application with access for the erection of 60 residential dwellings  

Thank you for consulting Sport England on the above application.

**Summary:**

Sport England **objects** to this application on the basis that it will result in the loss of playing field without sufficient compensation to mitigate that loss.

Sport England will maintain this objection until a suitable Section 106 agreement, or other legal mechanism is delivered to adequately compensate that loss, or arrangements are confirmed on replacement provision.

**Introduction**

The proposal is an outline planning application for 60 dwellings on an existing playing field with all matters reserved except access. The whole playing field which includes an adult football pitch would be lost. The applicant proposes to mitigate the loss of an adult football pitch through a payment of £100,000 towards a 3G AGP at Kilsby Lane, Rugby.

**Policy**

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, ‘A Sporting Future for the Playing Fields of England (see link below).
Paragraph 74 of the NPPF states that existing playing fields should not be built on unless: an assessment has been undertaken which has clearly shown that the building is surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location; or the development is for alternative sports and recreational provision, the needs or which clearly outweigh the loss. Paragraph 74 does not distinguish between private and publically owned playing fields.

Essentially Sport England will 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 of 5 exceptions applies:

<table>
<thead>
<tr>
<th>Sport England Policy</th>
<th>Summary of Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>E1</td>
<td>An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport</td>
</tr>
<tr>
<td>E2</td>
<td>The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches</td>
</tr>
<tr>
<td>E3</td>
<td>The Development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch</td>
</tr>
<tr>
<td>E4</td>
<td>Playing field lost would be replaced with equivalent or better playing field in terms of quantity, quality and accessibility</td>
</tr>
<tr>
<td>E5</td>
<td>The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field</td>
</tr>
</tbody>
</table>

Assessment of proposal
The proposal is to construct 60 dwellings on playing field which is currently laid out with one adult pitch and is also used as informal open space. Sport England’s primary concern is the loss of playing field for formal pitch sports.

Sport England’s Playing Fields Policy covers the entire playing field site and not just areas currently marked out with pitches. This is because playing field land is seen as a resource for pitches to be marked out on, repositioned to allow areas of the playing field to rest from over play, and to change from one pitch sport type to another to meet demand. The Oakfield Recreation Ground has the potential to accommodate more than one adult size football pitch and could also be used for pitch sports other than football.

Playing Pitch Strategy
The existing Playing Pitch Strategy (2011) showed an overall surplus of pitches for football in 2009 with a deficit by 2026. The applicant has stated that this future deficit in pitches assumed growth in team numbers and assumed there would be no further

increase in the number of pitches available. However this supply of football pitches should also be considered in terms of the size and quality of pitches together with their location.

The 2011 work was also based on now out-of-date population forecasts from 2009 and there is no evidence to suggest that the current short-term decline in the number of adult teams will continue in future. The short-term decline could be due to a number of factors and the needs of other teams, for example ladies and juniors, should also be considered.

Importantly the ability and potential of the playing field to be used for various sizes of pitches for various sports to meet their future and current needs does not appear to have been considered in the documents supporting this application.

Rugby Borough Council has commissioned an up-to-date Playing Pitch Strategy which is due to be completed later this year. The emerging Playing Pitch Strategy will provide an up-to-date assessment of playing pitches in the Rugby area and should be used to inform the facilities and mix of pitches etc required in the area. This up-to-date assessment should therefore also be used to inform this proposal.

Sport England considers that the submission of this application could be considered to be premature; the findings of the emerging PPS are not yet known.

FA comments
The FA have been consulted in regards to this application and their comments are as follows:

The league have acknowledged they can fulfil their fixtures away from this venue. The League used the site last year and have lost some teams for next season so can manage without the site. The league do allow use of 3G pitches on the register.

It is unclear how the compensation figure has been arrived at. Whilst it is significant, there is still a funding gap. Rugby Town JFC have made applications to Sport England and are fund raising but there remains a funding gap to deliver the 3G. The FA are supportive of 3G at Kilsby Lane and this has secured planning

What would be the release mechanism and trigger for the money?

Assessment of financial contribution
The cost of providing an adult size football pitch is approximately £75,000 excluding the cost of the land and the Oakfield Recreation Ground could accommodate in excess of one adult football pitch. The need for the 3G pitch at Kilsby Lane, Rugby has already been considered in a separate planning application and its provision has mitigated the loss of playing field land at the Kilsby Lane site. When these factors and the cost of replacement land to accommodate new playing field land are taken
into account, the proposed financial contribution and outcome is considered insufficient to mitigate the loss of playing field.

One option for further mitigation for the loss of the Oakfield Recreation Ground could be for the applicant to make a contribution towards improvements to existing playing fields in addition to the contribution towards the 3G AGP at Kilsby Lane, Rugby.

Sport England objects to this application on the basis that it will result in the loss of playing field without sufficient compensation to mitigate that loss. This objection will be maintained until a suitable Section 106 agreement, or other legal mechanism is delivered to adequately compensate that loss, or arrangements are confirmed on adequate replacement provision.

Sport England can confirm that once a suitable section 106 agreement or other legal mechanism to adequately mitigate the loss has been agreed and signed, we will withdraw our objection. Sport England would be pleased to discuss the contents of the section 106 agreement or other legal mechanism, with a view to withdrawing the current objection.

Should your Authority be minded to approve the application without an acceptable section 106 agreement or other legal mechanism in place, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance, the application should be referred to the National Planning Casework Unit.

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

Yours sincerely

[Signature]

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Planning Manager

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E: James.Morris@sportengland.org
APPENDIX 2: PHOTOGRAPH – MERTTENS PLAYGROUND FOR CHILDREN
THE MERTTENS PLAYGROUND
FOR CHILDREN

THIS PLAYGROUND IS PROVIDED FOR RECREATION ONLY FOR THE CHILDREN OF NEW BILTON WHO ARE OF SCHOOL AGE AND UNDER SCHOOL AGE IF ACCOMPANIED BY A RESPONSIBLE PERSON.

ADULT RECREATION IS NOT PERMITTED AND WALKING OF DOGS IS STRICTLY FORBIDDEN.

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