



**From:** Roy Warren [REDACTED]

**Sent:** 24 May 2022 14:28

**To:** Section 62A Applications <section62a@planninginspectorate.gov.uk>

**Subject:** Application Ref: S62A/22/0000002 - Former Friends School, Mount Pleasant Road, Saffron Walden, CB11 3EB

Dear Sir/Madam

**Application Ref: S62A/22/0000002 - Former Friends School, Mount Pleasant Road, Saffron Walden, CB11 3EB (Sport England Ref: PA/22/E/UT/61571)**

Thank you for consulting Sport England on the above Section 62A planning application. I would wish to make comments on this planning application both as a statutory consultee and as a non-statutory consultee.

**Summary:** An **objection** is made to the planning application as a statutory consultee due to the impact on playing field provision. Advice on the issues to be addressed to allow this position to be reviewed are set out in the response.

An objection is made to the loss of the sports hall as a non-statutory consultee. If considered in isolation, Sport England would support the principle of re-opening the swimming pool as a non-statutory consultee. However, there are concerns about the deliverability of this proposal and advice is provided on the matters that need to be considered before a planning application is determined if weight is to be given to re-opening the swimming pool as a benefit of the scheme that would offset the impacts of the development.

## **COMMENTS MADE AS A STATUTORY CONSULTTEE**

### **Sport England –Statutory Role and Policy**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land

being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:



### **The Proposal and the Impact on the Playing Field**

In summary, the application involves a full application for the conversion and redevelopment of the buildings at the former Friends' School (aka Walden School) site to provide 96 dwellings. While the majority of the development would focus on the built footprint of the former school site it would have the following impact on the school's playing fields to the east of the site:

- There would be a significant encroachment (approximately 1,500 square metres) onto part of the former school's playing fields to provide an access road and new parking to support the retained swimming pool along the western side of the playing fields. For clarity, the approximate area of this encroachment is shown on the attached aerial image that was taken when the school was operational. This area formed a substantial part of the outfield area of the school's cricket pitch which was also used by the community when the school was open. If the development is implemented it would prejudice the use of the playing field as it would no longer be possible to reinstate the cricket pitch as the outfield area to the north west of the cricket square would be substantially lost and this is the only part of the playing field that would be large enough to accommodate a cricket square and outfield so it would not be possible to relocate the cricket square elsewhere on the school's playing fields. The loss of this part of the playing field would also prevent the area between the cricket square and the western edge of the playing field from being marked out for small winter playing pitches such as mini football pitches;
- The pavilion building adjoining the playing field (referred to as building 6) which provided changing rooms, toilets and showers to support school and community use of the playing fields would be demolished and replaced with new dwellings. This would not be replaced as part of the proposals. The loss of this facility would therefore prejudice the potential for reinstating the playing field for community use as there would be no supporting changing/toilet facilities available;
- The sports hall which provided changing rooms that supported school and community use of the playing field would be demolished without replacement;

- The substantial car park adjoining the school's sports hall (referred to in the application as the gym) would be redeveloped for dwellings without being replaced. This car park provided the car parking to support community use of both the playing fields and the sports hall when the school was operational. The provision of a new area of car parking adjoining the swimming pool would not mitigate this as this would be a significantly smaller car park and would be intended for swimming pool users rather than playing field/sports hall users;
- While the artificial turf MUGA that is marked out as a netball court which adjoins the playing field would be retained and the grass tennis courts to the west of the site would be reinstated, the two all weather macadam tennis courts to the south east of the application site would be redeveloped for parking without being replaced.

### **Assessment against Sport England Policy/NPPF**

I have considered the proposals with regard to the specific exception criteria identified in the above policy (which is in line with the criteria in paragraph 99 of the NPPF) and would make the following assessment:

- 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, to inform current and future playing pitch needs, Uttlesford District Council prepared a Playing Pitch Strategy & Action Plan in 2019 which is available on the Council's website at <https://www.uttlesford.gov.uk/article/4942/Infrastructure> which assessed playing pitch provision across the district and for the Saffron Walden sub-area of the district. The needs assessment was prepared in accordance with Sport England's playing pitch strategy guidance and the strategy was endorsed by Sport England and the sports governing bodies that represent the playing pitch sports. The strategy is therefore considered to provide a robust evidence base to support the implementation of local plan policies and the determination of planning applications.

While the strategy documents provide full details of the conclusions, key data on football pitch provision is provided in Table 2.16 of the strategy's assessment document which shows that there is a total deficiency of 14 natural turf football pitches in the Saffron Walden sub-area in relation to meeting current demand which would extend to 18 pitches after future demand is accounted for. In relation to cricket, Table 5.16 of the assessment document shows a current deficiency of 8 cricket match sessions in relation to meet current demand which would extend to 66 match sessions after accounting for future demand. In relation to rugby union, Table 4.13 of the document shows a deficiency of 3.75 match sessions for the rugby pitches that serve the Saffron Walden sub-area in relation to meeting current demand which would extend to 8.25 pitches after future demand is accounted for. I have consulted the Essex County FA, England & Wales Cricket Board (ECB) and Rugby Football Union for advice on whether these deficiencies have changed since the Council's strategy was prepared in 2019. The governing bodies have advised that the local position is similar or worse to that in 2019 in terms of deficiencies. For example, the Essex County FA has advised that the number of football teams in Uttlesford district has increased from 168 to 194 between the 2018/19 and 2021/22 football seasons and that Saffron Walden Community Football Club (the largest football club in the district and the Saffron Walden area) have reported a shortage of grass and artificial grass pitches which results in the club having to utilise a number of small sites in villages in the surrounding area plus the club have to operate waiting lists due to the lack of pitches.

Consequently, there are significant current and future playing pitch deficiencies in the Saffron Walden sub-area relating to all of the playing pitch types that were accommodated on the playing fields when the Friends School's playing fields were last

in use. As set out below, the Playing Pitch Strategy's recommendation was for the pitches on the application site to be brought back into use to meet current and future community playing pitch needs. The development would compromise the ability to meet the strategy's recommendation as the proposals would reduce the number of pitches that could be accommodated on the playing field and seriously prejudice the operation of the playing field by removing the supporting changing/toilet and parking facilities that supported community use when the school was operational. The Playing Pitch Strategy also specifically recommended that the two all weather netball courts should (if lost) be mitigated by developer contributions being secured towards improving community courts offsite at the nearby Lord Butler Leisure Centre. However, there are no current proposals in the application for this type of mitigation.

- 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 part of the development that directly affects the former school's playing field is capable of being used for playing pitches and was historically used by Friends School and the local community for a wide range of pitches. It would also result in the inability to use the former cricket pitch, reduce the sporting capacity of the playing field and result in the loss of ancillary facilities on the site;
- Exception 4 – Not applicable. No replacement playing field provision or replacement ancillary facilities to support the use of the playing field are currently proposed;
- Exception 5 – Not applicable. The majority of the development proposal is not for an indoor or outdoor sports facility. The areas of playing field, ancillary facilities and tennis courts that would be lost are proposed for residential or car parking. It is acknowledged that the wider development proposes the retention/reinstatement of the artificial surface MUGA, the grass tennis courts and the swimming pool for use by the residents of the proposed development and the wider community. However, these are existing facilities that would be reopened. They are not new indoor or outdoor sports facilities. As set out below in our non-statutory comments, it has not been demonstrated that it would be viable or sustainable to reopen the swimming pool for the community and therefore the deliverability of this proposal in practice as a benefit of the development or as a form of mitigation for the impact on the playing field is seriously questioned. The benefits of reinstating the grass tennis courts are also questioned. New grass tennis courts are rarely provided for community use because they can only be used on a seasonal basis and require significant maintenance to maintain the surface to the standards expected. Macadam or synthetic courts are preferred instead due to their all weather nature and more limited maintenance requirements. The Playing Pitch Strategy has not identified a need for additional grass tennis courts and the LTA has not advocated that additional grass courts are provided in this area. The rationale for reinstating the grass courts appears to be based more on heritage considerations than community tennis needs. Limited weight is therefore given to the proposal for reinstating the grass courts as it has not been demonstrated that they would be responsive to local community needs or sustainable to operate and maintain over a long term period. While the retention of the small artificial surfaced MUGA is welcomed in principle, it would be suitable more for informal sports use by residents of the proposed development than formal sports use by the wider community. Furthermore, no details have been provided of what works would be needed to reinstate this facility as the condition of the surface and the fencing is unknown. Regardless of this, the reinstatement of this relatively small facility would not offer benefits that would acceptably mitigate the range of playing field impacts identified above.

As set out in paragraph 75 of our policy, to meet exception 5, proposals need to demonstrate that the loss of any area of playing field will not have an unacceptable

impact on the current and potential playing pitch provision on the site. In view of the significance of the impacts on the playing field identified above and the scale of playing pitch deficiencies that exist in the local area, the sport related proposals in the application would not in Sport England's view offer benefits that would outweigh the detriment caused by the loss of, or prejudicial impact on, the playing fields.

On the basis of the above assessment, the proposal would not, in its current form, accord with any of the exceptions to Sport England's playing fields policy or the criteria in paragraph 99 of the NPPF. In addition to the above summary of how the proposals relate to the exceptions in our playing fields policy and the NPPF, the following considerations are relevant to the assessment:

- **Playing Pitch Strategy:** As well as identifying significant deficiencies in football, cricket and rugby pitch provision, the strategy's action plan (see Friends School entry on page 87 <https://www.uttlesford.gov.uk/article/4942/Infrastructure>) specifically recommended that the former Friends' School's playing field be brought back into use to support with reducing both current and future shortfalls of football and cricket provision in the Saffron Walden Analysis Area unless the loss of playing fields was mitigated by replacement provision. The current proposals that would prejudice the potential to bring the playing fields back into community use would therefore be contrary to the District Council's strategy proposals for the site which is considered to represent the only current opportunity available in Saffron Walden for helping to address the identified deficiencies;
- **Playing Field Community Use:** The playing fields were significantly used by the community outside of school hours until the Friends School closed in 2017. As set out in the Council's Playing Pitch Strategy, the playing fields were used extensively by local football clubs, Saffron Walden Cricket Club, Wendens Ambo Rugby club, Walden Tri triathlon club and Saffron Striders Running Club. The closure of the site in 2017 had a significant impact on community users. For example, some of Saffron Walden Cricket Club's teams that used the cricket pitch on the site now have to travel to villages outside of Saffron Walden to meet their match needs directly as a consequence of being displaced from the site and Wendens Ambo rugby club regularly have to use rugby pitches at Saffron Walden RFC's site in Henham and at Joyce Frankland Academy in Newport due to the lack of rugby pitches in Saffron Walden itself since the closure of the school. As the site's playing field is one of the largest playing fields in Saffron Walden, the loss of access to all of the pitches that it provided when it closed has inevitably had an impact on the deficiencies in pitch provision identified in the Council's Playing Pitch Strategy. Furthermore, community access to the school's sports facilities including the playing fields was formalised by the completion of a formal community use agreement in 2011 between Friends' School and Uttlesford District Council. The community use agreement made provision for the pitches to be made available for community use on both Saturdays and Sundays throughout the academic year. As such, this is not a school playing field that had limited access or use by the community when the school was operational.
- **Playing Field Status:** Sport England considers proposals for the development of playing fields (or proposals that prejudice their use) 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 99 of the NPPF) does not distinguish between public and school playing fields and whether playing fields are currently in use or not. The policy approach that is applied is the same and this is the approach established through planning case law. 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 now or in the future, safeguarding it is justified for meeting current and future community playing pitch needs as set out above. While there is no current community use of the playing fields, this is because the site closed for security reasons when the school closed in 2017 and access has not been permitted since then. This is not because there was a lack of demand for using the playing field by the community. Furthermore, there would not appear to have been any attempts made to make the playing fields available for potential management by community bodies (e.g. local authorities and sports clubs) to allow the facilities to re-open since the school closed.

- **Prejudicial Impact on Reinstatement of Playing Fields:** While the current planning application only has a direct impact on one part of the former school's playing field, the loss of this area combined with the loss of the pavilion, sports hall and parking facilities that supported community use would have a major prejudicial impact on the potential to get the playing fields back into community use in the future. It is disappointing that the scope of the current planning application does not include the playing fields because this may result in a piecemeal approach being taken to the development of the former school site which may compromise future opportunities for getting the playing fields back into operational use. If a more strategic approach was taken to the whole site, there may have been more potential to address some of the impacts identified above. It is clear from planning application UTT/19/1744/OP which involved residential development on the playing fields (and was refused by the District Council in 2021) that the applicant's intention is to redevelop at least part of the playing fields. While it is suggested in paragraph 5.54 of the Planning Statement that a masterplan for the whole site cannot be progressed due to the Council's refusal on the principle of developing the playing fields, this would not prevent a masterplan coming forwards that maintained and reinstated the playing fields. Based on Sport England's experience, if the current application is permitted, and a revised planning application is subsequently submitted in the future for redeveloping all or part of the playing fields for residential, it is likely to be asserted that the circumstances have changed since application UTT/19/1744/OP was refused and that this should be a material consideration in the determination of any such application. This is because if the current application is permitted, it would no longer be possible to accommodate a cricket pitch on the site and there would be no pavilion or sports hall facilities (providing changing, toilets, showers etc) or on-site parking available to support community use of the remaining playing fields. Collectively, these changes are likely to be put forward as reasons why it would not be possible or realistic to reinstate the playing fields for community use and that this prejudicial impact was accepted by the Planning Inspectorate when the current application was determined. It is advised that it would be more difficult to reinstate the playing fields for community use if the supporting facilities were lost without replacement as it would be necessary to construct new facilities which would inevitably have to be sited on the playing field itself (due to opportunities in the built footprint of the school site no longer being available due to the potential delivery of the current proposals) which would result in a further losses in the area of the playing fields. The cost of providing replacement facilities compared to reinstating existing facilities would also be significant which is likely to affect the viability of reinstating the playing fields.
- **Sports Governing Body Consultation:** I have consulted the Essex County FA, ECB and RFU who represent community sports interests for football, cricket and rugby respectively. All of the governing bodies have advised that they object to the planning application due to it resulting in the permanent loss or prejudicial impact on playing fields that are needed for addressing community playing pitch needs in Saffron Walden without any acceptable mitigation proposals. The governing bodies consider that the proposals would be contrary to the Council's Playing Pitch Strategy that they contributed to which has identified significant local deficiencies in pitch provision that the safeguarding of this

site for playing fields would provide the opportunity to address. The loss of the site would further reduce the opportunities for addressing the identified deficiencies.

## Conclusion

In light of the above assessment, Sport England **objects** to the application in its current form because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF. The proposal would also be considered to be contrary to policy LC1 of the adopted Uttlesford Local Plan which takes a similar policy approach to Sport England's playing fields policy and the NPPF.

Notwithstanding the concerns raised above, Sport England would prefer to work with the applicant to seek to achieve a mutually agreeable solution rather than maintain an objection to the application. However, the ability to achieve such a solution is very limited if the scope of the application is restricted to the current red line due to the lack of opportunities to replace all of the displaced facilities within the built footprint of the school without substantially revising the planning application and the inability to strategically plan for retaining or replacing facilities that would support the reinstatement of the playing field without an understanding of whether there is any intention to reinstate the playing fields in the future and what the plans may be for the playing field itself. Any solution would need to make provision for the following:

- The retention of the former cricket square or a replacement cricket square with an appropriate outfield area within the remaining playing field area;
- The retention of the existing changing pavilion and sports hall or a single building to replace the pavilion and sports hall facilities with equivalent or better facilities in terms of quantity and quality in a suitable location on the site;
- The retention of the existing car park adjoining the sports hall or its replacement elsewhere on the site without a further encroachment onto the playing field;
- The retention of the two all weather tennis courts in their current location, their replacement with equivalent or better facilities in terms of quantity and quality in a suitable location on the site or an appropriate financial contribution being made towards off-site tennis facilities to mitigate the impact.

The alternative solution would be to make direct replacement playing field provision off-site in accordance with exception 4 of our policy e.g. an existing playing field in Saffron Walden could be extended or a new playing field created to mitigate the impact but it is acknowledged that opportunities for this in the local area are likely to be limited.

The applicant would therefore be advocated to discuss potential solutions with Sport England before the application is determined if the opportunity allows. Sport England would also be happy to discuss such solutions with the Planning Inspectorate's Major Casework Team.

For information, it should be noted that if this planning application had been determined by the local planning authority rather than as a section 62A application by the Secretary of State, then if the local planning authority had been minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the application would need to have been referred to the Secretary of State, via the National Planning Casework Unit. This is because the land has been used by an educational institution as a playing field within 5 years of the planning application being received. The application would need to have been referred on the basis that Sport England is objecting in accordance with section

7b(i) of the Direction i.e. objecting on the grounds that there is a deficiency in the provision of playing fields in the area of the local authority concerned.

## COMMENTS MADE AS A NON-STATUTORY CONSULTEE

### Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>. This application falls within the scope of the above guidance as it relates to the loss of a major sports facility (the former Friends' School sports hall).

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/>

### Loss of Sports Hall

It is proposed that the former Friends School's sports hall (referred to in the planning application as the gym) be demolished as part of the planning application and redeveloped for residential use together with the changing rooms provided in the sports hall that supported the use of the playing fields and the ancillary car parking that supported community use of the indoor and outdoor sports facilities.

Like the playing fields, the school's sports hall was used by the community when the school was operational and was included in the formal community use agreement that applied to the site from 2011. Uttlesford District Council's Indoor & Built Sports Facilities Strategy (2019) <https://www.uttlesford.gov.uk/article/4942/Infrastructure> identified that sports hall demand in the district is high and the only dedicated community sports hall in Saffron Walden (at the Lord Butler Leisure Centre) is operating almost at capacity at peak times. The needs assessment identified a small existing deficiency of sports hall provision which would increase in the future. The strategy has recommended that the Friends School be considered in relation to whether it could provide additional sports hall capacity to meet community demands.

As accepted in paragraphs 5.13 and 5.62 of the Planning Statement, the loss of the sports hall would be contrary to paragraph 99 of the NPPF. The justification for the loss of the sports hall in the planning application relates to its retention detracting from the setting of the principal school building and the character and appearance of the conservation area rather than it not being required for meeting community needs. An independent needs assessment has not been undertaken to demonstrate in accordance with Sport England's guidance and paragraph 99(a) of the NPPF that the facility is genuinely surplus to requirements in terms of meeting community needs. Furthermore, it does not appear that options for bringing the facility back into community use have been explored such as investigating whether local authorities would be willing to manage the facility. It is also unclear why the application has focused on re-opening the adjoining swimming pool but has not taken a similar approach to the sports hall.

Consequently, there is not considered to be currently a robust basis to justify the loss of the sports hall without mitigation. An **objection** is therefore made to the loss of the sports hall. |



would be willing to review this if an independent needs assessment was prepared which satisfactorily demonstrated that the sports hall was surplus to community needs, the sports hall was replaced on-site or if off-site mitigation was made in accordance with paragraph 99 of the NPPF.

### Swimming Pool Refurbishment

The planning application includes proposals for retaining the former school's swimming pool and making it available to residents of the development and the wider community. A new set of changing rooms to support the use of the pool and ancillary car parking would also be provided to the south of the pool building. The impact of the closure of the swimming pool when the school closed was assessed as part of the Council's Indoor & Built Sports Facilities Strategy (2019). The needs assessment identified a small deficiency of swimming pool provision in relation to meeting existing needs and that future demand will result in a significant increase in demand which the existing supply of pools will be inadequate for meeting. In response, the strategy recommends that the Friends School pool be considered for providing additional swimming pool space to complement the pool at the Lord Butler Leisure Centre and the strategy recommendations specifically support re-opening the pool. If considered in isolation, the principle of re-opening the pool for community use and providing new changing and parking facilities to support community use of it would be a positive proposal that would offer potential to help address needs identified in the Council's strategy and accord with Sport England Planning for Sport principles especially principles 6 and 7 which relate to enhancing existing facilities and securing use of existing facilities.

However, the re-opening of the swimming pool has been put forward in the Planning Statement as a key benefit to mitigate any harm to heritage assets. It may also be perceived by the applicant as helping to mitigate other impacts of the scheme such as the impact on the playing fields and sports hall set out above. In this context, despite support for the principle of reopening the pool, I would have to raise the following concerns which should be given appropriate weight when considering the benefits of the project in the context of the impact of the development on heritage considerations and other impacts including those on sports facilities:

- **Need for Refurbishment:** There has been no explicit reference in the planning application to the need to refurbish the pool to facilitate its reopening. According to Sport England's Active Places database which is informed by regular surveys of all sports facilities in the country, the pool was built in 1902 and has not been refurbished since 2001. Given the age of the pool, the fact that it has been over 20 years since it was last refurbished and the pool was closed almost 5 years ago, it is unclear what condition the pool is in and whether it would be economically viable to bring it back into use. It is anticipated that the pool may require significant investment to reinstate it which may not be viable given its age. Proposals for refurbishing a swimming pool to facilitate its reopening would usually be supported by a conditions survey which would identify the issues that require addressing and estimated the costs of undertaking the necessary works. This would usually feed into a wider feasibility study of the proposals for reopening the facility which would consider the viability of reopening the pool. This is pertinent if the refurbishment is necessary to provide a safe and attractive facility for the community that will be viable to operate. Unless the scope of the required refurbishment works is clarified and justified it is difficult to see how the delivery of these works can be secured through a planning permission and thereby whether the reopening of the pool is a feasible and deliverable benefit that would justify weight being given to it when assessing the merits of the overall planning application. I have consulted Swim England (swimming's governing body (formerly the Amateur Swimming Association)) for specialist advice and they have advised that a full conditions survey would need to be prepared to assess the level of investment needed and whether this is a viable option before the

application is determined. If it is demonstrated to be viable, an outline specification of the refurbishment works should be subsequently submitted before a planning application is determined so that it is clear what the scope of the refurbishment involves and to secure its delivery through a planning permission;

- **Operational Feasibility:** Standalone swimming pools (especially smaller dated pools) are often only viable to operate if they are subsidised over a long term period by a local authority or educational institution. This is due to the disproportionate costs associated with maintaining a swimming pool compared to other sports facilities. While the principle of re-opening the pool is supported, this should only be progressed if it can be demonstrated that it will be viable to operate it over a long term period and that there are identified operators who would be willing and able to operate it on a sustainable basis. Without this, expectations will be raised in the local community that the pool will be re-opened in practice if planning permission is forthcoming. Given the costs associated with running such a pool it should not be assumed that a local authority such as the district or town council would be willing and able to operate the facility over a long term period. It is therefore advocated that an independent feasibility study is prepared which assesses the options for operating the facility and identifies potential operators who could viably operate the facility if it was to reopen following the proposed refurbishment. Such a study would need to account for the conditions set out requested above as the ongoing capital costs associated with medium/long term repairs (e.g. replacing the plant) will influence the viability. Swim England has advised that a business plan and feasibility study would be required to assess the viability and sustainability of re-opening the pool
- **Facility Management and Programming:** Linked to the comments on operational feasibility, it is considered essential that outline details of the proposed management of the pool and its programming are provided to demonstrate that the facility could be viably managed and maintained in practice over a long term period. No details appear to have been provided with the planning application, As the facility would no longer be operated by a school and it would not appear that discussions have taken place with the local authorities about managing it, outline details of the proposed management should be provided before the planning application is determined. Assuming it can be demonstrated that a refurbished facility is viable for a management body to operate, details of the potential operator and the indicative programme of the use of the facility should be provided. For example, it will be important to understand whether the facility will be a pay as you play type facility like a leisure centre, a facility for block bookings only by swimming clubs, swimming lesson providers etc or a membership based facility that would only be accessible to those able to meet membership conditions. Furthermore, as the Council's Indoor & Built Sports Facilities Strategy set out the importance of any reopened facility complementing the programming of the nearby Lord Butler Leisure Centre's swimming facilities, the Council would need to be satisfied that the pool would have a programme of use that would complement its own pool rather than compete with it in the interests of the viability of both facilities.

The provision of further information to address the above issues would not be necessary if the proposal to re-open the pool was considered in isolation from the rest of the application as it would not be necessary in planning terms for it to be demonstrated that the reopening of the pool would be deliverable in practice. However, as the reopening of the pool is being put forward as one of the key benefits of the planning application that should be weighed against any heritage impacts and other planning impacts (including the impacts on sports facilities set out in this response), it is considered necessary for it to be demonstrated that the re-opening of the swimming pool will be a deliverable proposal in practice. Without this there is a risk that planning permission could be granted on the basis that the benefits offered by a re-opened pool would help mitigate these impacts but in practice the pool may

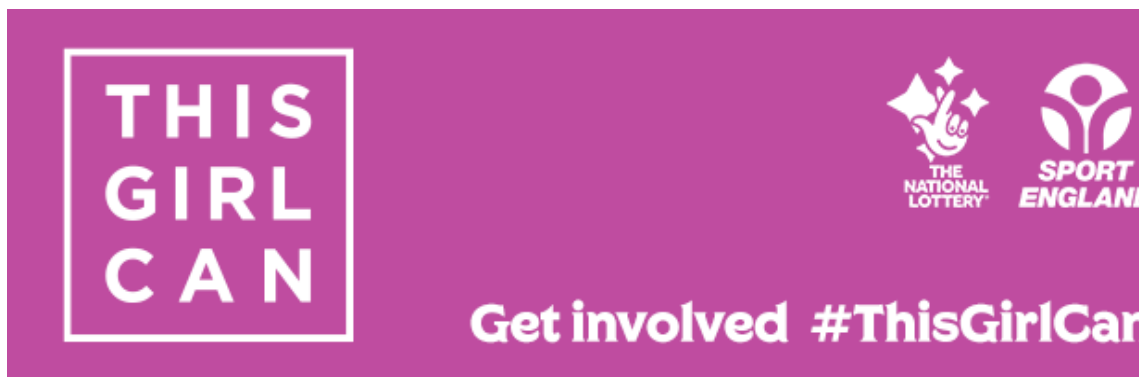
never re-open (or may only reopen for a short period) because the operational feasibility and potential management options were not properly considered and progressed at the outset.

It should be emphasised that addressing the above concerns about the swimming pool proposals would not address Sport England's objection as a statutory consultee for the reasons explained above or our non-statutory objection to the loss of the sports hall. The advice has been provided to assist the Inspector's assessment of the proposals in the event that an Inspector is minded to approve the application on the basis of the potential benefits offered by the proposal to reopen the swimming pool.

If you would like any further information or advice please contact me.

Yours faithfully

**Roy Warren**  
Planning Manager



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always

have. Our Privacy Statement is published on our [REDACTED] and our Data Protection Officer can be contacted by emailing [REDACTED]

