

7 June 2017
L170607 - Benefits of the Rugby Club Relocation



Christina Farrer
Senior Planning Officer
Planning
East Staffordshire Borough Council

Savills

Belvedere
12 Booth Street
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Dear Ms Farrer

PLANNING APPLICATION REFERENCE P/2017/00141

APPLICATION AT THE LAND ADJACENT TO THE PIRELLI FACTORY, DERBY ROAD, STRETTON BURTON UPON TRENT

APPLICATION FOR THE ERECTION OF FOUR DETACHED BUILDINGS TO FORM FOODSTORE (CLASS A1), DRIVE THROUGH COFFEE SHOP/RESTAURANT (CLASS A1 / A3 / A5), RETAIL AND SERVICE UNITS (FOUR UNITS WITHIN CLASS A1 / A3 / A5 ON THE GROUND FLOOR) AND LEISURE UNIT AS A GYMNASIUM ON THE FIRST FLOOR (CLASS D2), BUILDERS MERCHANTS WITH OUTSIDE STORAGE - UNITS 5/6/7 (SUI GENERIS), EXTENSION OF TWO EXISTING BUILDINGS TO FORM FIVE EMPLOYMENT UNITS - UNITS 3/4/8/9/10 (CLASS B1C, B2 AND B8) INCLUDING ASSOCIATED ACCESS, CAR PARKING, BALANCING POND AND LANDSCAPING

Introduction

We write further to our Consultation Statement submitted on 12 May 2017 and the e-mail from Lewis Wright of this office on 26 May 2017 in relation to the above application for a mixed use development including retail, leisure and business uses.

The earlier correspondence demonstrates that the proposed retail and leisure uses (i.e. the main town centre uses in Classes A1, A3, A5 and D2) on the land adjacent to the Pirelli Factory on Derby Road in Burton fail to satisfy the sequential test as the Burton Rugby Club site at Peel Croft in Burton town centre is a suitable sequentially preferable site that is available for those uses.

We therefore suggest that the main town centre uses proposed at the Pirelli site should be removed from the wider application as their inclusion within the proposal would mean that the Local Planning Authority is under a duty to refuse permission under the legislative provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 as they conflict with Strategic Policy 21 of the East Staffordshire Borough Council Local Plan (adopted 15th October 2017) and Paragraph 27 of the National Planning Policy Framework ('The Framework').

This letter sets out an equally important case that approving the main town centre uses at the Pirelli site development poses a significant risk to the delivery of the 'New Sports Hub' as part of the relocated Rugby Club facility at Tatenhill. The delivery of the retail development at Peel Croft will provide funds that deliver the New Sports Hub. If those funds cannot be provided as a result of the Peel Croft retail development then there is a significant risk to the ability to provide the New Sports Hub.

The delivery of the New Sports Hub is of strategic importance. It is part of the development plan and the Council's strategic delivery and investment plan for outdoor sports provision. Therefore, the inclusion of the main town centre uses in the Pirelli site application means that permission for the Pirelli site should be refused as it is in conflict with the Council's development plan policies, and strategic delivery and investment plan, for outdoor sports facilities.

The requirements for a new sports facility are that it will meet an identified deficiency in sports provision in Burton as well as serving housing growth planned at a sustainable residential and commercial urban extension in Burton known as Branston Locks. The facility will serve a new secondary school that is under construction on land adjacent to the new Rugby Club facility.

The relocated Rugby Club facility, the Branson Locks Sustainable Urban Extension and new school benefit from permissions that have been implemented (References P/2012/01084, P/2012/01467 and P/2016/01652).

The letter is structured as follows:

1. The development plan
2. The East Staffordshire Outdoor Sport Delivery & Investment Plan 2013
3. Consideration: The impacts of the Pirelli site development on the development plan Council's strategic delivery and investment plan for outdoor sports facilities

1. The Development Plan

The East Staffordshire's Local Plan was adopted in October 2015.

Strategic Policy 32 relates to outdoor sports and open space. Relevant extracts of the policy are as follows:

"The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities ...

.....

Support will be given to proposals which address deficiencies in football, cricket and hockey pitches, and to the creation of new facilities where unmet demand or need for improvements have been identified ...

The co-location of facilities will be encouraged so that different types of sporting activities and facilities for sport and recreation can be located next to each other." (Savills' emphasis in bold).

The site of the new rugby club facility is allocated on the Policy Map that accompanies the Local Plan as a "**New Sports Hub**". Paragraphs 3.216 - 3.218 of the Local Plan provide the justification to Strategic Policy 32 and the allocation of the site as a New Sports Hub. They state:

"3.216 The Council has in partnership with Sport England prepared and adopted an Outdoor Sports Delivery and Investment Plan, setting out a strategy for delivering additional provision of outdoor sports facilities within the Borough to address current deficits and new demand associated with planned housing and population growth.

3.217 The document identifies two additional 'Hub' sites in the Borough, the first in Burton which is the forthcoming new Burton Rugby Club site in Branston and in Uttoxeter, a site at Leasowes Farm, part of the quarry site, which has been identified. These sites are anticipated to be multi sports hub sites that will be able to sustain themselves due to a partnership approach to site development and future use. Three existing sports hubs are also identified for protection and improvement (Shobnall Leisure Complex, Holland Sports Ground Barton under Needwood and Oldfield's Sports and Social Club, Uttoxeter).

3.218 The Outdoor Sport and Infrastructure Plan 2013, also identifies a shortfall of junior football, cricket, junior rugby and hockey pitches across the plan period, with the most acute current shortage and future potential shortfall being for junior football pitches in Burton. Due to the importance of open spaces and their contribution to healthy lifestyles and the quality of the environment, all existing open spaces should be protected or replaced. Loss without replacement can only be permitted in exceptional circumstances. The Council's Leisure service will be consulted on proposals for loss of facilities or for new facilities, particularly with regard to demand, accessibility and deficits of provision. The Council supports the improvement of access by the community to school facilities. The current Open Space SPD, adopted in 2010 is based on the 'PPG17 Audit' that informed the Greenspace Strategy, adopted in September 2009. This assessment of open space and outdoor sports facilities was partially updated as part of the Outdoor Sports and Infrastructure Plan. The Council will update the Open Space, Sport and Recreation SPD to ensure future provision of facilities."

The above demonstrates that the new sports facility proposed at the new Rugby Club site will meet an identified deficiency in sports provision. As also set out above, it will serve a sustainable residential and commercial urban extension in Burton known as Branston Locks. That extension is allocated under Strategic Policies 4, 5 and 7 of the Local Plan. Of particular note, Strategic Policy 7 states that the Sustainable Urban Extension will make provision for:

"An appropriate level of retail, leisure, social, cultural, sport, community and health facilities that meet local needs but do not compete with town centres, and good links to existing facilities in adjacent urban areas"

Accordingly, whilst the proposed New Sports Hub site allocated on the Policy Map that will include the relocated Rugby Club facility does not form part of the Sustainable Urban Extension allocation the facilities will have an integral role in fulfilling strategic requirements for the development proposed at the Extension to Burton. The New Sports Hub is therefore an intrinsic part of the provision of the facilities for the Urban Extension as identified in Strategic Policy 7 and will contribute to ensuring that Branston Locks Urban Extension is sustainable.

2. The East Staffordshire Outdoor Sport Delivery & Investment Plan 2013

The requirement for open sports provision and the allocation of the New Sports Hub site in Burton in the Local Plan were informed by an evidence base. The evidence base has been confirmed to be robust and sound through the Examination process by the Planning Inspectorate on behalf of the Secretary of State for Communities and Local Government. The evidence base in this case is the East Staffordshire Outdoor Sport Delivery & Investment Plan 2013.

The Plan sets out under the Sports specific objectives¹ in relation to Rugby Union that:

1. Current levels of provision to be increased to meet the identified deficiencies in pitches.
2. As a priority, there is support for the relocation and development of facilities to service Burton RFC (and other sports) at the Tatenhill site.
3. Identified demand could justify and sustain the provision of one additional 3G pitch (ideally located at Burton Rugby Club) to service football and rugby.

Accordingly, the relocated Rugby Club facility is identified by in the Outdoor Sport Delivery & Investment Plan 2013 as one of two sports hubs in the Borough to provide further locations where multi sports facilities can be located. The other is Uttoxeter Quarry and so the new Rugby Club facility is the only sports hub identified in the Outdoor Sport Delivery & Investment Plan 2013 for Burton. The Plan states that:

¹ Pages 17 – 18 of the Outdoor Sport Delivery & Investment Plan 2013

“This site has the capacity/potential to address additional demand arising from housing growth and seek to replace other sites being decommissioned in the Area i.e. Newton Road). In addition, this site could seek to address the loss of key sites in Burton such as Belvedere.”

The Outdoor Sport Delivery & Investment Plan 2013 states further that the opportunities of the site are:

- *‘Strategically located to service south of the Borough.*
- *Good accessible location.*
- *Land purchased by the Club and planning permission granted for development of a multi pitch site in Tatenhill to centralise its play (particular juniors), which currently utilise a large number of sites. This will in turn release capacity at a range of sites including Washlands Sports Ground and local primary schools.*
- *Accredited club with local and regional significance.*
- *There is circa 90 acres of additional open space which could be developed as a multi-sport site to accommodate other local demand.*
- *Funding opportunity through mitigation for the loss of provision at Belvedere Park Sports & Social Club.*
- *S106 funding opportunities from new housing.’*

3. Consideration

The retail redevelopment of Peel Croft will provide funds that deliver the new Rugby Club facility and associated ‘New Sports Hub’ in Tatenhill adjacent to the proposed Branston Locks Sustainable Urban Extension to the south west of Burton. As set out above, both the new Rugby Club and Sustainable Urban Extension benefit from extant permission. Ground works have been undertaken to implement the Rugby Club permission.

The relocated Rugby Club facility is identified by the Council in the Local Plan and East Staffordshire Outdoor Sport Delivery & Investment Plan 2013 as a New Sports Hub. It is the only sports hub identified for Burton. The Outdoor Sport Delivery & Investment Plan 2013 is part of the evidence base for the Local Plan and has been confirmed to be robust and sound through the adoption of the Local Plan. As a consequence of the Plan, the Local Plan Policy Map allocated the Rugby Club Facility site as a ‘New Sports Hub’ and Strategic Policy 32 and reasoned justification to the policy provide its support for the facility.

The Branston Locks development is a substantial sustainable urban extension to Burton providing new residential, employment, retail, leisure and sports and recreational facilities. The development benefits from considerable local and national Government support including Staffordshire County Council who is delivering a £5million package of road and infrastructure works to deliver the development. That funding has been secured through the national Government’s Local Growth Deal, which was accessed by the County Council and the Stoke-on-Trent and Staffordshire Local Enterprise Partnership. The Outdoor Sport Delivery and Investment Plan identifies that the relocated Rugby Club facility has the capacity/potential to address additional demand arising from housing growth and will replace other sites being decommissioned. Strategic Policy 7 sets out the provisions that will be made at the Branston Locks Sustainable Urban Extension, which includes sports and community facilities. The New Sports Hub at the relocated Rugby Club site is therefore an integral part of ensuring that the Urban Extension meets the requirements of Strategic Policy 7 and is sustainable.

Therefore, relocating the Rugby Club is of strategic importance to the delivery of the Council’s Outdoor Sport facilities both now and to meet the future sports provision requirements as a result of planned housing growth at the Sustainable Urban Extension. The location of the new facility at Branston is of critical importance as it will enable the new Rugby Club facility ‘Sports Hub’ to meet the substantial population growth that is planned in Burton at the Branston Locks development.

Whilst works have commenced to deliver the new pitch for the Rugby Club, the new grandstand and club house facilities including changing and socialising facilities will not be delivered without the proceeds of

realised by the retail redevelopment of Peel Croft. This in turn poses a significant risk to delivering wider multi-sports facilities at the site as the club house is the component of the development that will attract operators of additional sports facilities including potential cricket and tennis facilities. The Outdoor Sport Delivery and Investment Plan identifies that there is a deficiency in cricket facilities in Burton and that the quality of tennis provision in Burton is 'generally poor'. The absence of the wider facilities at the new Rugby Club site including the grandstand and club-house facilities therefore poses a significant risk to the delivery of the New Sports Hub.

It follows that the delivery of retail development at Peel Croft is of significant importance to the Council meeting its strategic requirements for outdoor sport delivery and investment as outlined in the Outdoor Sport Delivery and Investment Plan. Approving the Pirelli application poses a challenge to the delivery of the retail development at the sequentially preferable Peel Croft site and so therefore threatens the ability to provide the New Sports Hub at Tatenhill. The Local Planning Authority is therefore under a duty to refuse the application under the terms of Section 38(6) of the Planning and Compulsory Purchase Act 2004 as the proposal at the Pirelli site:

1. Conflicts with Strategic Policy 32 that confirms support will be given to the creation of new sports facilities where unmet demand or need has been identified and that the co-location of facilities of different sporting activities will be encouraged. The proposal is in direct conflict with this policy as it poses a substantial risk to the creation and delivery and new and co-located sports facilities (i.e. the New Sports Hub).
2. Therefore, undermines the whole approach that the Council has taken to allocating the new Rugby Club facility as part of a New Sports Hub. That whole approach has been based on a sound Delivery and Investment Plan for outdoor sports provision that identifies:
 - a. A deficiency in rugby provision that will be addressed by the relocated Rugby Club facility
 - b. A deficiency in other sports provision that will be addressed by the New Sports Hub
 - c. The New Sports Hub will provide an opportunity to mitigate the loss of sports provision elsewhere in Burton
 - d. The ability for the New Sports Hub to meet the sports and recreational requirements of housing growth in particular at Branston Locks
 - e. A substantial number of other opportunities including providing sports provision that can be accessed by all

The New Sports Hub facilities will be utilised by the new school that is under construction on adjacent land. If the facilities are unable to be delivered as a result of the approval of the Pirelli application then that proposal will undermine all known local and national policy objectives for increasing the access for children to sports provision and associated education that is realised by that provision. This is a material consideration that should be afforded considerable weight in the determination of the Pirelli site application.

Conclusion

The proposed Pirelli site development in its current form with the main town centre uses pose a significant risk to the ability for the New Sports Hub at Tatenhill to be provided in conflict with the development plan. Not only is there conflict with the development plan, the approval will undermine the Council's Outdoor Sport Delivery and Investment Plan for outdoor sports facilities, which itself should be treated as a material consideration as it formed part of the evidence base for the development plan and is therefore of strategic importance.

Accordingly, the Local Planning Authority is under a duty to refuse the Pirelli site application in its current form under the terms of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

As suggested in our earlier correspondence, in order for the Pirelli site application to be approved, a way forward would be for the Local Planning Authority to request that the main town centres uses are removed from the proposal. We recommend that the Authority requests this of the applicant as in the absence of its removal, there are no grounds for the Local Planning Authority to support the application.

We trust that the above comments will be fully considered by the Local Planning Authority and we reserve our right to submit further evidence in respect of the application.

Yours sincerely

A handwritten signature in grey ink, appearing to read "Savills", is positioned below the text "Yours sincerely".

Savills (UK) Limited