

Delegated Report

Planning Ref: 24/00017/FUL
Applicant: Mr John Tilley
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Hinckley Rugby Club Leicester Road Hinckley

Proposal: Replacement of 3G Artificial Turf Pitch (3G ATP) and associated fence, gate, storage container, lighting, hard-standing areas, vehicular access and other works

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks planning permission for the replacement 3G artificial turf pitch (3G ATP) (5917 sq. metres) at Hinckley Rugby Club. The new pile carpet partially infilled with silica sand and granulate rubber would be laid over a shock pad (the shock pad allows the use of the 3G ATP for rugby as well as football. The surface of the ATP would be reduced from 106 x 71m to 97 x 61m with approximately 1220m² of the existing ATP returned to grass. Alongside the pitch itself associated proposed development includes:

- Replacement 4.5m high ball stop fencing (334m linear) with entrance gates forming an enclosure around the facility;
- New 1.2m high pitch barriers (75m linear) with entrance gates along the Southern side of the 3G football turf surfaced pitch;
- New 2.6m high maintenance equipment storage container (15 sq. metres) within the facility enclosure;
- Replacement 15.0m high lighting masts (6no.) with LED luminaires (14no.) around the facility perimeter;
- Replacement hard-standing areas along the Eastern side of the sports facility for player / pedestrian access, circulation, and viewing; portable goals storage; as well as vehicular access (519 sq. metres).

2.2. It is said that the current sports facility is now aged and now requires refurbishment and modernisation.

3. Description of the site and surrounding area

3.1. The application site is located to the north east of Leicester Road, with the wider grounds located between the B4668 Leicester Road which lies to the East/South East and the A47 to the North. The site is within the green wedge, outside the settlement boundary of Hinckley and is designated as a recreation facility (HIN189). The levels on the site are flat. There is a public bridleway U9 that utilises the site access.

3.2. The site of the ATP is to the north west of the site to the immediate west of the Hinckley L Football Club stadium with grassed playing fields to the North. The associated clubhouse and car park are to the East of this. Just outside of the site boundary to the South East are tennis courts, netball courts, a cricket field and an associated clubhouse/pavilion. Further South are more grassed rugby pitches and

to the West of the sports ground is a small area of woodland. Agricultural land borders the site to the South West and generally surrounds the wider area in all directions.

- 3.3. There are a number of parking areas, available for staff, sports people, and all visitors travelling to the sports ground by vehicle, including free parking spaces for standard and accessible cars, and mini buses and coaches. For example, the area if hard standing surfacing immediately South of the 3G ATP is large enough to accommodate approximately eighty parked cars.

4. Relevant planning history

13/00402/FUL

- Erection of two netball courts and fencing with associated floodlighting
- PER
- 05.08.2013

13/00764/FUL

- Extension to existing club house to provide additional changing and social facilities
- APPRET
- 14.10.2013

13/00974/FUL

- Extension to existing club house to provide additional changing and social facilities
- APPRET
- 03.01.2014

14/00042/FUL

- Extension to existing club house to provide additional changing, social facilities and additional parking
- PER
- 06.03.2014

15/01215/TCOUD

- Temporary change of use from D2 (Assembly and Leisure) to B1 (Business) which is part of the current main clubhouse building
- To take affect from 1 December 2015.
- ACC

15/01232/NOMAT

- Non-material amendment to planning permission 14/00042/FUL for internal changes and elevational alterations to the positioning of the windows and doors
- PERNMA
- 14.12.2015

18/00977/FUL

- Change of use from D2 (Assembly & Leisure) to mixed use to include internet cafe, nail salon and small business use (Retrospective)
- PER
- 09.08.2019

21/00264/FUL

- Extension to existing club house to include additional changing facilities, a rehabilitation room and additional kitchen space
- PER
- 31.08.2021

21/01343/FUL

- Shelter with raised viewing area and press box
- PER
- 03.05.2022

23/01135/FUL

- Construction of two storey boxing gym with associated parking, outdoor activity areas and landscaping
- PCO

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. One objection was received which states that “A new boundary was agreed on the 13th September 2023 bound in a Tomlin Order which clearly defines the eastern boundary of the said applicants land. The proposed planning application appears to encroach onto Leicester Road Stadium land and water currently drains directly onto Leicester Road Stadium land from the applicants land, both of which are totally unacceptable and not permitted. Therefore, please register this objection to the application.”

Officer Note- A note is recommended reminding the applicants that the grant of any planning permission does not affect private property rights.

6. Consultation

- 6.1. HBBC Waste – No objection
- 6.2. HBBC Pollution- No objection
- 6.3. LCC Highways- No objection
- 6.4. Barwell Parish Council- No objection
- 6.5. Sport England- Conclusion: “Sport England has no objections to the proposal which is considered, on balance, to accord with exception 5 of Sport England's Playing Fields Policy and with Paragraph 103 of the NPPF subject to conditions”.

7. Policy

7.1. Core Strategy (2009)

- Policy 1 Development in Hinckley
- Policy 6 Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 19 Green Space and Play Provision
- Policy 20 Green infrastructure

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM8: Safeguarding open space, sport and recreational facilities
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review Sep 2020
- Sport England 'Playing Fields Policy and Guidance Document'

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) 2019 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.3 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.4 Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states

that development proposals that accord with the development plan should be approved without delay subject to other material planning considerations.

- 8.5 Policy 1 of the CS aims to address the deficiencies in quality, quantity and accessibility of green space and play provision in Hinckley, as set out in the most up to date strategy, and in accordance with policy 19. Policy 19 of the CS sets a standard of 1.6ha/1000 population for outdoor sports provision.
- 8.6 The Leicester Road Football Club site is an allocated open space, sports and recreation facility, reference HIN189 and therefore falls under Policy DM8 of the SADMP. Policy DM8 states that planning permission will not be granted for proposals that result in the loss of land or buildings in recreational or sporting use except where:
- a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or
 - b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or
 - c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.
- 8.7 The NPPF supports decisions that enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible sports facilities. Paragraph 103 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless meeting specified criteria.
- 8.8 Sport England have provided detail comments including the views of the Football Foundation and Rugby Football Union. As the application relates to the construction of an outdoor sports facility on an area of playing field at the above site it therefore needs to be considered against paragraph 103(c) of the NPPF and exception 5 of Sport England's policy. Exception 5 states that: 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'
- 8.9 The Hinckley and Bosworth Playing Pitch Strategy (2019) (PPS) includes the application site and states that this 3G pitch, built in 2006, is the only full size 3G pitch in the Borough. Due to the condition of the facility, the ATP is not included on the FA register. Issues are raised in the PPS with regards to the lack of use of this ATP and a dispute at the site regarding ownership. The proposal would involve the much needed refurbishment of this facility through the replacement of the pile carpet along with new fencing and lighting. The installation of a stiffened shock-pad below the surface would allow other sports to be played on the facility as well as football. The surface would be compliant with the World Rugby 2016 Artificial Turf Performance Specification – June 2020 and so suited for rugby activities. One of the key issues for rugby in the PPS is that all club bases were found to be heavily used when taking into account training. The need for access to a 3G World Rugby Compliant AGP at for Hinckley RFC was raised as a consideration. The construction specification proposed as part of this planning application would allow for some rugby training to take place on the ATP.

- 8.10 One of the key issues for football raised in the PPS was the lack of access to 3G pitches in the Borough. This 3G pitch subject of this planning application was recorded as being largely unused. The requirement for at least 5 full sized AGPs in total in the Borough was included in the key issues. Based on the findings of the PPS there is a strategic need for the refurbishment of the ATP to meet the demands for rugby and football. Concerns have been raised regarding the proposed reduction in size of the ATP. The proposed site plan shows that approximately 1220m² of the ATP would be returned to grass and that the surface of the ATP would be reduced to 97m x 61m the resultant dimension is below the recommended dimensions of 106 x 70m for a full sized ATP. The proposed site plan does show that multiple pitch markings would be provided on the AGP although many of these would fall below the recommended sizes set by the FA, however SE confirm they would be acceptable for match play use.
- 8.11 The proposed community pitch measuring 91m x 55m would meet local league requirements. However, the ATP could no longer be marked out for two 9v9 training sessions to take place. The RFU has also raised a concern that the recommended 5 metre run off for training and games could not be achieved and so the Club would need to carry out a Risk Assessment prior to each session taking place to mitigate the risk with a reduced run off. The proposal to reduce the size of the ATP is disappointing particularly as the ATP is the only facility in the Borough and there is a need for football and rugby to use this facility as identified in the PPS. The measurements proposed would be below the FA's standards and the RFU's standards. However, as confirmed by the FF and the RFU the specification of the ATP would comply with the FF's technical guidance and provide a WR reg 22 compliant rugby facility whereas the current facility does not comply with any technical guidance. The proposed measurements of the refurbished ATP would also meet local league requirements.
- 8.12 Other sports can still take place on the grass pitches around the proposed site and these would be unaffected by the refurbished ATP. In addition to the above, as recognised in the PPS, the current ATP is underused due to the condition of the facility and issues with access. SE have highlighted a need for a planning condition to be attached to the decision notice to ensure that a Community Use Agreement is agreed for the facility which includes key partners being signatories to this agreement to allow the ATP to be used to its full potential for multiple sports including football and rugby. Such a condition would comply with the aims of Policy DM8 of the SADMP.
- 8.13 Based on the evidence above, whilst the reduction in size of the ATP is of concern, the proposal for an ATP which meets the FF's technical guidance and provides a WR reg 22 compliant rugby facility, along with a condition requiring the approval of a Community Use Agreement would, on balance, meet exception 5 of Sport England's playing fields policy and paragraph 103c) of the NPPF in that it would constitute the development of an outdoor sports facility which is of sufficient benefit to sport to outweigh the loss of playing field. The proposal would not adversely affect the use of the adjoining grass playing pitches.
- 8.14 The site is within the green wedge Policy 6 of the Core Strategy limits development within the Green Wedge, to ensure operational development does not damage the function of the Green Wedge. The Policy encourages development of appropriate recreational facilities within the green wedge on the provision that any land use or associated development in the Green Wedge should:-
- a) retain the function of the green wedge

- b) retain and create green networks between the countryside and open spaces with the urban areas
 - c) retain and enhance public access to the Green Wedge, especially for recreation and
 - d) should retain the visual appearance of the area.
- 8.15 Policy 20 of the CS states the Green Wedge should be maintained as it plays an important environmental and landscape protection role. The policy seeks the area to be a large scale recreational asset. The proposals would retain the function of the Green Wedge and would promote recreation and sport within the area, making use of a site located in a sustainable location to deliver recreational benefits to the surrounding area.
- 8.16 The site also falls within the Countryside where policy DM4 is relevant, Policy DM4 supports development in the countryside for recreational facilities where there is no significant harm to the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.17 For the reasons outlined above the proposal is considered acceptable in principle in accordance with Policy 1, 6 and 19 of the Core Strategy and Policy DM4 and DM8 of the SADMP, subject to all other policy requirements being met.

Design and impact upon the character of the area

- 8.18 Policy DM10(c) and (d) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from significant harm caused by inappropriate development in the rural area. Whilst Core Strategy Policy 6 also seeks development within the green wedge to retain the visual appearance of the area.
- 8.19 The Good Design Guide SPD provides guidance upon how to design an appropriate commercial development. This includes reflecting the context, considering parking layout and servicing provision.
- 8.20 The development largely replaces the existing ATP and associated structures. The visual appearance of the lighting, pitch, fencing and associated structures would not be alien in this existing context and when viewed in combination with the wider sporting site and stadium. Overall, given the more modern and higher quality appearance of the fencing, pitch and lighting there is likely to be some improvement to the existing appearance of the site.
- 8.21 Overall, the development will be viewed in the context of the wider recreational facility and would sit directly adjacent to the existing larger football stadium. It is not considered that the proposed development would have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and it would not undermine the physical and perceived separation and open character between Hinckley and Earl Shilton/Barwell.

- 8.22 It is considered that the proposed scheme would meet the requirements Policies DM4, DM6, DM8 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.23 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.24 Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.25 Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 8.26 Paragraph 193 of the NPPF states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 8.27 No objections have been received to the proposal on residential amenity grounds and the Council's Environment Team have raised no objections. The site is on an existing sports pitch with existing lighting and no new uses are proposed, just extension to the existing building for its current use. The amenity impact will be similar to the existing.
- 8.28 The nearest residential property is White House Cottage, Barwell Lane, approximately 270m to the north west.
- 8.29 The proposed development is therefore judged to comply with policy DM10 of the SADMP and the aforementioned policies of the NPPF.

Impact upon highway safety

- 8.30 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the

most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.31 Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development. Developments within the town centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.32 The NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.33 County Highways raise no objection. They state that the proposals are for a replacement pitch, using the existing site access and existing car parking provision and also not generating an increase in employees at the site, there would appear to be no material impact on the public highway and therefore the LHA has no comments to make.
- 8.34 A construction management plan has been submitted and is judged to be acceptable. Subject to a condition requiring compliance with this the proposal is judged to comply with Policy DM17 of the SADMP.

Flooding and Drainage

- 8.35 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.36 The site is located within Flood Zone 1 (low risk), and there are no known critical drainage issues on the site although it is acknowledged that concerns have been raised in the public comments about water draining to neighbouring land though.
- 8.37 The scheme is minor development in at area not known to have flooding issues, it is also for a replacement and smaller area of ATP it is therefore no judged to be reasonable or necessary to required submission of drainage plans. Drainage details have been provided in the Design and Access Statement which are sufficient and can be included as a condition. The proposal is judged to comply with Policy DM7 of the SADMP and the NPPF.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 The proposal is an acceptable recreational use in the countryside and green wedge, protecting its function and intrinsic value and character. Subject to conditions the proposal would meet exception 5 of Sport England's playing fields policy and paragraph 103c) of the NPPF in that it would constitute the development of an outdoor sports facility which is of sufficient benefit to sport to outweigh the loss of playing field. The proposal would not adversely affect the use of the adjoining grass playing pitches. The uses are not considered to result in a severe impact upon pedestrian or vehicular safety and no adverse harm to residential amenity is identified. Therefore the proposal is considered to accord with Policies DM1, DM4, DM8, DM10, DM17 and DM18 of the SADMP and Policy 1, 6 and 19 of the Core Strategy. The application is recommended for approval subject to conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Location Plan drawing 0001
Proposed Site Plan drawing 0003
Layout Plan drawing 0004
Layout Plan drawing 0005
Construction Management Plan drawing 0006
Proposed Elevations drawing 0007
Proposed Elevations drawing 0007
Design and Access Statement

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. Prior to the development first being brought into use, a Community Use Agreement shall be submitted to and approved in writing by the local planning authority, after consultation with Sport England. The Agreement shall include details of pricing policy, hours of use, access by non-members, management responsibilities and include a mechanism for review. A copy of the completed approved agreement shall be submitted to the local planning authority prior to the commencement of use of the development. The development shall not be used otherwise than in compliance with the approved agreement.

Reason – To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to comply with Policy DM8 of the Site Allocations and Development Management Policies Development Plan Document (2016) and guidance in the NPPF (2023).

11.3 Notes to applicant

- 1) The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence