

Delegated Report

Planning Ref: 24/00403/FUL
Applicant: Mr David Hemlock
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Market Bosworth School Back Lane Market
Bosworth

Proposal: Construction of a new multi-use sports area, extension of car-park,
upgrade to grass pitch and associated 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. This application seeks full planning permission for a Construction of a new multi-use sports area, extension of car-park, upgrade to grass pitch and associated works. The Market Bosworth School, 42-54 Station Road, Market Bosworth.

2.2. The Market Bosworth School (TMBS) has grown in pupil and staff numbers in recent years, going from 11-14 to 11 to 16 age groups. Parking for staff and school coaches has always been quite restricted, with very careful management required during pick-up and drop off. Outdoor facilities have been unable to fulfil curriculum requirements. In academic year 2023-24 this has also resulted in a direct impact to all students studying examination PE, leading to the practical moderation of pupils for sports including soccer, rugby and athletics not being possible due to the restrictions on play

2.3. The Market Bosworth School (TMBS) are proposing to install a new synthetic-carpeted multi-use games area (MUGA) to an area of relatively little-used grassed land to the west of the existing school buildings and existing macadam-based MUGA, due to increased pressures on the provision of adequate all-year round outdoor activities within the school grounds. In addition, the remaining part of this area is proposed for additional parking spaces. The adjacent uneven and poorly drained grass pitch (Pitch 5) is to be upgraded as part of the construction package. This proposal represents Phase 1 of a strategic multi-phase plan to upgrade the whole of the school's existing playing field of circa 40,425 sq.m (4.04 ha).

2.4. The new MUGA will occupy an area of relatively steep, undulating, waterlogged and previously rubble-filled informal grass to the east of the playing fields and adjacent to the school buildings. The full scope of the proposals encompasses:

- A new 73 x 46m synthetic carpet finished MUGA with fencing, no floodlighting. The range of sports offered will increase due to the alternative surface, with hockey and other court games being added to the current list.
- A car-park extension for an increase of 48 cars plus 6 x disabled spaces.
- Existing grass pitch upgraded with recommended gradients and a new sports field drainage system of pipes and sand-slits, sports turf grass reseed.

- Trees & roots causing problems with the main access footpath from school to playing field to be removed and the footpath re-laid.
 - Landscaping elements included to achieve a minimum 10% Biodiversity Net Gain. Landscape impact minimised by settling-in the elements by lowering levels.
 - Drainage attenuation included in the detailed design
- 2.5. TMBS previously obtained planning consent from Hinckley & Bosworth Borough Council for a car-park extension and new 'astro-turf' pitch in March 2019, Application Number 19/00305/FUL, which is now out of time.
- 2.6. A variety of professional studies and technical assessments have been published to support this proposal to inform the carefully considered sports facility design.
- Hemstock Design Ltd – technical assessment of the MUGA site and Pitch 5 grass pitch. The proposed site for the new MUGA has been filled in the past with material from an old canteen building, it is understood. Trial pits have been excavated to assess the soil profile to depth in this area.
 - A surface water drainage strategy is proposed to ensure the proposal would resist a critical storm event, minimising the risk of any offsite flooding.
 - Flood risk Assessment
 - SuDS Drainage Strategy
 - Preliminary Ecological Appraisal
 - Biodiversity Net Gain evaluation & calculations
 - Archaeology Report
 - A Construction Traffic Management Plan
 - A Construction Phase Health & Safety Plan- construction phase
 - Noise Impact Assessment
 - Badger Scoping Survey
 - Great Crested Newts & Badger Protection Proposals
 - Sediment Control Proposals- construction phase

3. Description of the Site and Surrounding Area

- 3.1. The school complex is approximately 8 hectares which comprises of the main school building, two detached school buildings, an existing tennis court, existing sports pitches and car park. The application site is approximately 1.32 ha, (3.26 acres) in size, predominantly and historically down to a grass sports surface, with woodland to the north (also owned by TMBS).

4. Relevant Planning History

15/00520/FUL	Proposed car park extension and provision of new astro turf pitch	PER	18.02.2016
19/00305/FUL	Proposed car park extension and provision of new astro turf pitch	PER	25.09.2019

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. There have been one third party representation received neither objecting to or supporting the proposal but with the following summarised concerns:
- Due to heightened usage there are concerns about noise levels and opening times of the facility
 - Landscape plans are somewhat vague
 - Tree planting could obscure views
 - The existing access is narrow
 - How long will construction take?
 - Where will the access to the construction site be from?
 - What mitigation measures will be put in place during the construction to reduce local impact?

6. Consultation

- 6.1. The following consultees have made the following comments:

Sport England- No objection to the scheme, subject to the imposition of conditions to ensure the astro turf pitch is fit for purpose and a community use agreement is in place.

Market Bosworth Parish Council- No objections

LCC Drainage- Refer to standing advice. Additional information relating including a drainage strategy and construction surface water management has been submitted in order to remove the need for pre-commencement conditions.

HBBC Drainage- No objection

LCC Archaeology- No objection following receipt of a satisfactory WSI. A condition is recommended ensuring compliance with this WSI.

LCC Ecology- No objection subject to compliance with submitted information.

HBBC Environmental Health- No objection subject to conditions

LCC Highways- No objection, subject to conditions.

HBBC Waste- No comments or objections

LCC Tree Officer- As the proposed development does not impact on any Leicestershire County Council tree preservation orders, no comments were made on the application

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- Policy CE1(a): character and Development
- 7.2. Core Strategy (2009)
- Policy 11: Key Rural Centres Stand Alone
- 7.3. 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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM8: Safeguarding open Space: Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

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. The application site is located outside of the identified settlement boundary for Market Bosworth. Policy DM4 of the SADMP identifies that development for sport or recreation purposes may be suitable in countryside locations. Policy DM8 seeks to safeguard land in recreational or sporting use and areas of open space. Development of a small part of a larger site in recreational use which would result in the enhancement of the recreational facilities on the remainder of the site is also acceptable.
- 8.3. The site is an existing school playing field. The proposal for additional sports facilities including an extension to the car park is considered appropriate development which would improve an existing recreation site for Market Bosworth School and is considered a suitable form of development adjacent to the settlement boundary. The proposal is acceptable in principle subject to all other planning matters being appropriately addressed.

Design and impact upon the character of the area

- 8.4. Policy DM4 lists a range of criteria where development within the countryside is acceptable. Criteria (a) relates to outdoor sport or recreation purposes. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The Market Bosworth School main building is sited within the settlement boundary of Market Bosworth. However the proposed location of the car park extension and new MUGA is located outside the settlement boundary. The proposed car park and MUGA would be located to the north east of the main school buildings within the designated open space for the school.
- 8.6. The proposed car park would extend from the existing car park, with access through the existing car park. The proposed car park would not be visible from Back Lane, and would be screened by the existing landscape from the neighbouring track to the

north. Due to the steep slope towards to the north of the site, the proposed car park is set lower down from Station Road. The proposed extension would extend beyond the existing outdoor sports courts but would be screened from view by the proposed new MUGA. Therefore the proposed car park extension would not impact upon the character of the existing buildings, sports pitches or the character of the street scene.

- 8.7 The proposed MUGA would be sited between the proposed car park extension and the rear boundary of Church of Our Lady and St Gregory. The proposed pitch would replace an existing grass pitch with an astro turf pitch and would be sited within the existing designated open space available for the school. The proposed pitch would largely be screened from view from Station Road due to the existing built form, between which only glimpsed views would be possible. Proposed landscaping to the car park would match the existing landscape. Therefore the proposal would not impact upon the character of the existing school, neighbouring buildings or street scene.
- 8.8 Within the Market Bosworth Neighbourhood Development Plan, The Market Bosworth School is defined within character area C. Character area C has a defined character of mown and well kept playing fields, largely enclosed by boundary trees. The proposal would complement the defined character as set within the Market Bosworth Neighbourhood Development Plan.
- 8.9 Overall the proposed would be considered to complement the character of the existing school site and street scene in accordance with the Policies DM4, DM10 of the SADMP and Policy CE1 of the Market Bosworth Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11 The proposed car park extension is sited to the north of the application site not adjacent to any residential properties with the nearest properties located approximately 40 metres away on Station Road.
- 8.12 The proposed MUGA would replace an existing school sports pitch and would therefore not significantly impact further upon the residential amenity of the neighbouring properties. Proposed hours of use are 8am – 09.30 pm Weekdays & 9am – 5pm Weekends. Concerns have arisen regarding potential light pollution from the proposal upon neighbouring properties on Station Road. However, the proposal does not include permission for any floodlights on the new MUGA (The hours are linked to daylight, so in winter will be considerably reduced) and therefore there would not be an impact upon the residential amenity of the neighbouring properties. Currently, all external hirers including sports groups who wish to use the facilities receive an affiliation pack upon application to use the site. Before completing the delivery of the project, The Market Bosworth School will amend their affiliation pack to include and advise appropriate levels of noise during use. A copy of the amended affiliation pack will be available for review if required.
- 8.13 In terms of noise pollution a noise assessment was also submitted with this application, the HBBC Pollution Officer was consulted and has no objections to the proposal subject to a condition regarding the 2.5m high acoustic barrier which is proposed on the southern side of the new MUGA
- 8.14 The proposal is therefore considered to be in accordance with Policy DM10.

Impact upon highway safety

- 8.15 Policy DM18 of the SADMP states that proposals ensure that there is adequate provision for on and off street parking for residents and visitors and there is adequate highway safety as a result of the proposal.
- 8.16 The proposed car park extension creates the addition of 54 parking spaces with a 5 metre wide access through the existing car park. The additional spaces would follow the existing style and design, almost mirroring the existing car park and would therefore not impact upon highway safety within the car park. LCC highways are satisfied with the parking arrangements proposed.
- 8.17 The entrance to the car park is through the existing access from Back Lane. Back Lane is a two way road allowing access to the school, Market Bosworth surgery and a small residential road consisting of approximately 12 residential properties. Although the proposed car park may increase in the volume of traffic, there would not be a significant impact upon the highway safety of Back Lane due to the width of the road and the low volume of existing traffic on Back Lane. The proposal would also utilise an existing entrance access to the site and would not create any additional entrances.
- 8.18 The applicant has provided a suite of information including a Construction Management Plan and routing details which have been reviewed and judged accepted by LCC highways. A condition requiring compliance with these details is suggested below.

Drainage

- 8.19 Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated.
- 8.20 The 1.32 ha greenfield site is located within Flood Zone 1 is at low risk of fluvial flooding and a low risk of surface water flooding. The total developable area of the site 0.816 ha. The total permeable hard surface area of the site is 0.465 ha. The proposals seek to discharge at 2.1 l/s via a pervious surface on roads and the car park and a stone sub-base to the watercourse located to the northeast of the site. LCC Drainage were consulted and required the applicant to submit additional info regarding a flood risk assessment and drainage strategy. LCC Drainage and HBBC Drainage had no objections but a number of pre-commencement conditions were recommend. As the applicant wanted to avoid all pre-commencement conditions additional info was provided in regarding management of surface water during construction, an updated surface water drainage scheme, in-construction phase silt traps.
- 8.21 Final comments received from LCC Drainage and HBBC Drainage were no objections which ensures the scheme would be compatible with Policy DM7 of the adopted SADMP.

Ecology

- 8.14 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features

should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.

- 8.15 This application has been accompanied by a suite of ecological information and the updated documents provide suitable mitigation for the ecological concerns raised in the Preliminary Ecological Appraisal by Arbtech and update ecological surveys.
- 8.16 The development is not exempt from mandatory Biodiversity Net Gain (BNG). The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to the commencement of this development. However the PPG is clear that BNG is not just a post-permission matter, that it is a material consideration and that when determining a planning application LPAs need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- 8.17 A relevant BNG metric has been submitted as part of this proposal which indicated a net gain of over 10%. LCC Ecology have confirmed that they are satisfied with the proposal. As above the application will be subject to the national standard, mandatory BNG 'pre-commencement condition'.
- 8.61. Therefore subject to conditions, the development would accord with Policy DM6 of the SADMP.

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 proposed car park extension and provision of a new astro turf pitch would respect the scale and character of the existing school playing grounds, buildings and the street scene and would not adversely affect the amenities of the occupiers of neighbouring properties or the ecology of the site and would be suitably drained. The application is considered to be in accordance with Policy 11 of the Core Strategy, Policy DM1, DM4, DM6, DM7, DM8, DM10 and DM18 of the SADMP and the Market Bosworth Neighbourhood Development Plan and is therefore 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 51 of 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:

Site Location Plan

Landscaping Proposals

Pitch Layout and Section

Application Areas

Design and Access Statement

All received 26/04/2024

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM8 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Before the car park extension is first brought into use, the pitch improvements hereby approved for Pitch 5 as detailed in the Design and Access Statement and as shown on Drw. Titled: Application Area shall be carried out in full and made available for use. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is improved to an adequate standard to increase playable capacity and is fit for purpose and in accordance with Policy DM8 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not be brought into use until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement has been provided to the local planning authority. The agreement shall include use of the MUGA hereby approved, external grass playing pitches and non turf cricket wicket along with access to the car park and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review.

The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sport facility and the remaining playing field land to ensure sufficient benefit to the development of sport and to accord with Policy DM8 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2024).

5. The construction of the development shall be undertaken in accordance with the submitted Construction Routing Plan received by the Local Planning Authority on 18/02/2025 and the Construction Phase Plan (Rev. 4 dated January 2025).

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2024).

6. The development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with Site layout drawing labelled Application Area, received by the LPA on 26 April 2024. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

7. The MUGA shall not be brought into use until the 2.5m Acoustic Screen is installed as proposed on the detailed drawings (Condition 2) and set out in the Noise Impact Assessment. The screen should be continuous in length, have no gaps, be sealed to the ground and have a minimum mass of 14kg/m², once installed it shall be retained and maintained in perpetuity.

Reason: To protect neighbouring amenity and to ensure the proposal is in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall take place/commence unless according to the written scheme of investigation (WSI) by Contour Archaeology Ltd. (submitted 13/02/2025) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which includes the statement of significance and research objectives, and
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development shall be carried out in accordance with the Precautionary Working Method Statement by Whitcher Wildlife Ltd dated 13th January 2024.

Reason: To ensure protected species and their habitats are not harmed during construction of the development in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

10. The development shall be carried out in accordance with the 'Technical Note on the Drainage Strategy' by Hemstock Design, the 'Flood Risk Assessment and SuDS Drainage Strategy' by Corner Water Consulting, received on 15/08/2024 and 'Construction SWMP Rev1' and 'Silt Control' by Corner Water Consulting, received on 4/11/2024.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, to establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to prevent an increase in flood risk and damage to the final surface water management systems though the entire construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

Notes to Applicant

1. **Your attention is drawn to the below Biodiversity Net Gain note on page 3 and 4 of this Decision Notice which explains that the development is subject to the statutory "biodiversity gain condition". A Biodiversity Gain Plan needs to be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of development.**
2. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works, activity must be suspended and Natural England contacted for advice (tel. 0845 600 3078).
3. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
4. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England and the Football Association. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).
5. This permission does not grant approval under the Building Regulations for which a separate application may be required. Please contact Hinckley and Bosworth Borough Council's Building Control service on 01455 255677 (buildingcontrol@hinckley-bosworth.gov.uk) for further advice.
6. All works within the limits of the Highway with regard to the access shall be carried out with the agreement of Leicestershire County Council (Highways) – tel.0116 305 0001.