

Delegated Report

Planning Ref: 25/00493/FUL

Applicant: Ms Alison Ruff

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Congerstone School Shackerstone Road Congerstone

Proposal: The installation of floodlighting to an existing Multi Use Games Area (MUGA)

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 full planning consent for the installation of floodlighting to an existing Multi Use Games Area (MUGA) at Congerstone School, Shackerstone Road, Congerstone.
- 2.2. The four galvanised steel columns at 8.00 metres high would be situated to each corner of the MUGA. Each column would carry one Dark Licht DC Bright LED floodlight with a 2700K warm white colour temperature.
- 2.3. No physical changes will be made to the MUGA surface or layout.

3. Description of the site and surrounding area

The application site is located within the countryside approximately 200.00 metres to the north of Congerstone. It relates to works to an existing Multi Use Games Area (MUGA) at Congerstone School, approved under county application reference; 10/00076/C.

- 3.1. There are open fields surrounding the site and an area of dense woodland to the north-west. The eastern and southern boundaries of the site are well screened by established trees and tall hedgerows.

4. Relevant planning history

84/00533/4

- Standing of temporary mobile single classroom without toilets
- Planning Permission
- 13.09.1984

90/00416/4C

- Retention of temporary elliott single mobile classroom
- County Recommendation
- 22.05.1990

02/00606/C

- Extension to school

- County Recommendation
- 20.06.2002

08/00616/C

- New modular building (2008/I284/04)
- County Recommendation
- 08.07.2008

10/00076/C

- Construction of multi-use games area (muga) surrounded by boundary fencing on part of the existing playing field (county council identity number: 2010/I196/04)
- County Recommendation
- 18.02.2010

11/00142/C

- Erection of timber classroom building (retrospective application) county council identity number:- 2011/I429/04)
- County Recommendation
- 16.03.2011

11/00357/C

- Continued standing of a modular 3 classroom block - county council identity number: 2011/I460/04
- County Recommendation
- 26.05.2011

15/00031/C

- Retrospective application for the retention of mobile building (UPRN 248 - BLOCK G) County Council Identity Number 2015/REG3Mi/0012/LCC
- County Recommendation
- 05.02.2015

15/00034/C

- Retrospective application for the renewal of planning permission of timber 1 classroom building (UPRN 248 - Block H)
- County Recommendation
- 05.02.2015

15/01032/C

- Erection of community hub
- County Recommendation
- 14.10.2015

15/01236/C

- Erection of a community hub

- County Recommendation
- 18.01.2016

21/00815/FUL

- Erection of a community hub (changing room, preschool facility, an accessible toilet) and fencing to allow the site to be used out of school hours and in association with the MUGA
- Planning Permission
- 03.11.2021

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. Following the publication, no comments have been received.

6. Consultation

- 6.1. HBBC Environmental Health – Pollution;

'No objection.

I would recommend conditioning the operating hours of the light as per the Design and Access Statement and Lighting Assessment which state "Lighting will be operated only between the hours of 16:00 and 21:00 for school use and community activities"

- 6.2. Sport England;

'The Proposal and its Impact on the playing field

The proposal would involve the installation of 4 x 8.0-metre-high lighting columns, each with a single 400-watt dark Licht floodlight, around the perimeter of an existing MUGA. Located on playing field the proposal would result in the loss of part of the playing field at the site.

Assessment against Sport England's Playing Fields Policy and NPPE

The proposal would be sited on playing field. Sport England considers proposals of this nature against exception 2 of our playing fields policy which states:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

In assessing whether a proposal meets exception E2, facilities should be of an appropriate scale and, where relevant, comply with Sport England and National Governing Bodies of Sport design guidance. They should also have no impact on the quantity or quality of playing pitches or otherwise adversely affect their use.

The existing MUGA is fully enclosed with a ball-stop fence. The application submission includes a Design and Access Statement. This includes the reason for the proposal to install four lighting columns around the MUGA being to allow the safe and flexible year-round use of the MUGA. This would allow the MUGA to be used during the darker winter months during the afternoons and during evenings. Sited around the perimeter of the MUGA the proposal would not affect the quantity or quality of playing pitches at the site. An increase in the sporting use of the MUGA

would promote physical fitness and activity for users and so would support the principal use of the playing field.

Based on the above, it is considered that the proposal would meet exception 2 of Sport England's Playing Fields Policy and the requirements of Paragraph 104 of the NPPF (2024).

Sport England's Position

Given the above, Sport England raises no objection to the application which is considered to accord with exception 2 of our playing fields policy and the requirements of paragraph 104 of the NPPF in that the proposed development would support the use of the site as a playing field and would not affect the 3 quantity or quality of playing pitches or otherwise adversely affect their use.'

6.3. Shackerstone Parish Council;

- No comments have been received.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and the surrounding countryside
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the adopted Site Allocations and Development Management Plan (SADMP) provides a presumption in favour of sustainable development. Policy DM4 of the adopted Site Allocations and Development Management Plan (2016) sets out the circumstances in which development would be considered sustainable within the countryside, such as (section (a)) it relates to outdoor sport or recreation purposes.

8.3 The site is an allocated open space, sports and recreation facility, and therefore falls under Policy DM8 of the SADMP. Policy DM8 of the SADMP 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.

8.4 Paragraph 104 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

8.5 Exception 2 of Sport England's Playing Fields Policy seeks to ensure that where the proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

8.6 Policy 12 of the Core Strategy seeks to support existing services in rural villages.

8.7 The proposals would result in the loss of part of the playing field at the site. The submitted 'Design and Access Statement', however provides adequate justification stating that the reason for the proposal is to allow for the safe and flexible year-round use of the MUGA. This would allow the MUGA to be used during the darker winter months during the afternoons and during evenings, promoting physical fitness and activity for users and so would support the principal use of the playing field.

8.8 Given the above, Sport England have raised no objection to the application which is considered to accord with exception 2 of their playing fields policy, the requirements of paragraph 104 of the NPPF, Policy DM8 of the SADMP and Policy 12 of the Core Strategy.

8.9 There is a clear presumption in favour of outdoor sport or recreational proposals supported by local policies. Therefore, the principle of the proposed development is considered to be acceptable. Compliance with the relevant sections of Policies DM4 and DM8 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area and the surrounding countryside

8.10 Policy DM4 of the SADMP allows for sustainable development within the countryside for outdoor sport or recreational facilities when it meets the below requirements;

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

- ii) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii) It does not create or exacerbate ribbon development; with Core Strategy Policies 6 and 9; and
 - iv) If within a Green Wedge, it protects its role and function in line
 - v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
- 8.11 Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.
- 8.12 Policy DM8 of the SADMP seeks to prevent the loss of land in sporting use and /or areas of open space.
- 8.13 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14 The floodlighting is proposed be installed to each corner of the existing MUGA. It would consist of four galvanised steel columns at 8.00 metres high, each with one Dark Licht DC Bright LED floodlight with a 2700K warm white colour temperature.
- 8.15 The design of the floodlighting and the materials used are typical of this type of development and its scale would not be out of keeping with the overall site. The floodlighting would be viewed within the context of the wider MUGA.
- 8.16 There will be additional lighting in a rural context, however, this is not considered to be adverse following review of the submitted lighting strategy and subject to the development strictly adhering to the conditioned operating hours. 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, complying with Policies DM4, DM8 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17 Policy DM7 of the SADMP states that all reasonable steps should be taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.
- 8.18 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.19 The nearest neighbouring property would be situated approximately 70.44 metres from the proposed development whilst being separated by the adjacent highway and existing school buildings.
- 8.20 A condition has been included to ensure reasonable operational hours to ensure that there are no adverse amenity impacts on neighbours
- 8.21 Overall, subject to conditions the proposed development would accord with policies DM7 and DM10 of the SADMP regarding noise/pollution and residential amenity

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.

10. Conclusion

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and countryside and the amenity of neighbouring properties. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM4, DM7, DM8 and DM10 of the SADMP, Sport England's Playing Fields Policy and the overarching principles of the NPPF. The proposal 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 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:

- Site Location Plan, Drg No. L4SB38.01
 - Site Proposed MUGA Lighting Plan, Drg No. L4SB38.02
 - Site Proposed MUGA Lighting Elevation, Drg No. L4SB38.03
 - Lighting Assessment
 - Landscape Statement
 - Parking Provisions
 - Design and Access Statement
- All as received by the Local Planning Authority on the 15th May 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM7, DM8 and DM10 of the SADMP, Sport England's Playing Fields Policy and the overarching principles of the NPPF

3. The materials to be used on the proposed development shall accord with the information within the application form submitted to the Local Planning Authority on the 15th May 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM1, DM4, and DM10 of the SADMP, and the overarching principles of the NPPF

4. The floodlighting permitted by this consent shall only be operated between the hours of 16:00 and 21:00 for school use and community activities

Reason: To protect the amenities of the occupiers of nearby residential properties from unsatisfactory noise and disturbance and to protect the rural character of the area in accordance with Policy DM4, DM7 and DM10 of the SADMP.

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.