

Delegated Report

Planning Ref: 23/01226/FUL
Applicant: Mr Daniel Carr
Ward: Markfield



Hinckley & Bosworth
Borough Council

**Site: Jubilee Playing Fields, Altar Stones Lane, Markfield,
Leicestershire, LE67 9PX**

Proposal: Installation of shipping container for storing sports equipment

Recommendations

- 1.1. **Grant planning permission** subject to
- Planning conditions outlined at the end of this report.

Planning application description

- 2.1. The application seeks full planning permission for Installation of shipping container for storing sports equipment at Jubilee Playing Fields, Altar Stones Lane, Markfield. The proposed would be a standard 20ft container (5.9m in length x 2.4m in width with a height of 2.4m). The proposed would enable sports equipment storage on site, enabling the site to be used further by the local community.
- 2.2. The installation of a shipping container will involving installing concrete pads for the container to sit on. This will be in an area where there is some grass and some hardstanding for car parking. No other landscaping will be required or is affected.

Description of the site and surrounding area

- 3.1. The application site is located outside of the settlement boundary of Markfield. The site is approximately 3.2 hectares and is currently used as sports pitches. There is a pavilion which also contains changing facilities as well as a grounds equipment storage garage. The site is mainly made up of grass and is surrounded by trees. The sites current use is that of a sports facility. The site benefits from gated access to Altar Stones Lane, and 2 internal car parks.

Relevant planning history

10/00760/COU

- Change of use from recreational fields to mixed use to recreational fields and dog training classes
- PER
- 01.12.2010

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. 1 letter was received neither objecting or in support of the proposal. The customer commented that 'The application fails to mention that there are already two large,

dark green shipping containers installed near where this proposed one might go. They all need to be neatly grouped together and painted the same colour’.

Consultation

- 6.1. Sport England do not object to the application
- 6.2. HBBC Drainage do not object to the application.
- 6.3. Markfield Parish Council- The Parish Council is the land owner and has given its support to this request when it was first approached by the tenant. Therefore, the Planning & Highways committee had no objection to the installation when it was discussed at its meeting on 17 January 2024
- 6.4. HBBC Waste- No objections
- 6.5. LCC Minerals- No objections
- 6.6. HBBC Pollution- No objections

Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Development in the Countryside
 - Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
 - Policy DM25: Community Facilities
- 7.3 Markfield Neighbourhood Plan 2020 – 2039 (MNP) (2021):
 - Policy M1: Countryside
 - Policy M3: Green Infrastructure
 - Policy M6: Local Green Spaces
 - Policy M10: Design
 - Policy M11: Community Services & Facilities
 - Policy M14: Infrastructure
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide
 - Sport England’s Playing Fields Policy and Guidance Document

8.0 Appraisal

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

Principle of development including impact on open space, sport and recreational facilities

- 8.1. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires 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.
- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.3. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Development in the countryside is considered sustainable where;
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries.
- and:
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.4. Policy M1 of the Markfield NP is also supportive in principle of development for recreation purposes within the countryside.
- 8.5. The proposal is located within the Countryside and therefore would need to be assessed against DM4 of the SADMP, and an assessment is needed regarding the impact upon the intrinsic value, beauty, open character and landscape character of the Countryside.
- 8.6. The proposal for ancillary units to serve the sports and recreation use of the site is accepted and it is considered that the due to the nature of the site it would not cause significant detrimental impacts to the intrinsic value, beauty and character of

the open countryside. As such it is considered to be in accordance with Policy DM4 of the SADMP and Policy M1 of the Markfield NP.

- 8.7. The site is a designated open space, sport and recreational facility, as set out in Policy DM8 of the SADMP and Policy M6 of the Markfield NP. Policy DM8 of the SADMP seeks to safeguard open space, sport and recreational facilities and stipulates that permission will not be granted for proposals resulting 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.

- 8.8. Paragraph 102 of the NPPF states that *'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.'*

- 8.9. Paragraph 103 of the NPPF states that *'Existing open space, sports and recreational buildings and land, including playing fields, 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.'

- 8.10 As the proposal would be sited on playing field Sport England considers proposals of this nature against exception 2 of their 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 comply with relevant 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.

- 8.11 The container would be used for storing sports equipment. Both the FF and the ECB have confirmed that the siting of the container would not have an impact on any of the grass pitches on site. As such, the proposal would meet exception 2 of

Sport England's Playing Fields Policy, the requirements of paragraph 103 of the NPPF and Policy DM8 of the SADMP and Policy M6 of the Markfield NP.

- 8.12 Policy M11 of the Markfield NP also identifies the site as a community facility, which "should be retained in accordance with Site Allocations and Development Management Policies DPD Policy DM25". The development would not result in the loss of the site or any material change to the site's use as a community facility and is therefore in compliance with Policy M11 of the Markfield NP and Policy DM25 of the SADMP.
- 8.13 As set out above the proposed development complies in principle with the relevant policies of the Development Plan.

Design and impact upon the character of the area

- 8.2 Policy DM10 of the adopted SADMP and Policy M10 of the Markfield NP 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.
- 8.3 Storage space for sports equipment is expected to be seen on a community playing field. The size and design of the container storage space is typical for its purpose, and is sited so as to not be a prominent addition to the local landscape. The proposed container would sit comfortably in its setting & can be removed at a later time if required but a condition will be added to ensure the container is painted green to help it blend with the surrounding area. The site is located a considerable distance from Markfield, is classed as a Community Facility and Local Green Space and is suitably screened by mature landscaping on all boundaries of the site.
- 8.4 Overall the proposal would have a minimal visual impact on the wider area and is considered to be in accordance with Policy DM4 and DM10 of the SADMP and Policy M1 and M10 of the Markfield NP in this regard.

Impact upon neighbouring residential amenity

- 8.5 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.6 The proposal is for a container for the storage of sports equipment. It is not considered that this new facility will increase the use of the playing fields but it will help keep necessary sports equipment safe and in a good state of repair. With this in mind and considering the nearest residential properties on Altar Stones Lane are approx. 80m away, this proposal will not harm residential amenity.
- 8.7 Overall the revised proposal would have a minimal impact on residential amenity and is in accordance with policy DM10 of the adopted SADMP

8.8 Impact upon highway safety

- 8.9 Policy DM18 requires new development to provide an appropriate level of parking provision.

8.10 The access or parking arrangement will not change as part of this proposal and the storage space itself will not lead to an increase in the capacity of this sport facility. This proposal will therefore not impact upon parking provision or access arrangements when compared to the existing situation.

8.11 It is considered the proposal would be in compliance with policy DM18 of the SADMP and is acceptable in highway safety and access terms.

Equality implications

9.1 Where No Known Implications 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).

Conclusion

10.1. The proposed container storage would respect the character of the area and would not affect the amenities of the occupiers of neighbouring properties. The proposal would help a recognised community facility and sports facility operate well & would not have any significant impact upon parking or highway safety. The application is therefore considered to be in accordance with policies DM1, DM4, DM8, DM10 and DM18 of the SADMP and Policy M1, M6, M11 and M14 of the Markfield Neighbourhood Plan 2020 – 2039 (MNP) (2021).

Recommendation

11.1 **Grant planning permission** subject to

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons / 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 received 21/12/2023

Site Plan received 21/12/2023

Elevations & Floor Plans received 21/12/2023

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).

3. The storage container hereby permitted shall not be brought into use until it is painted a dark green reflective of the wider site.

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).