

Delegated Report

Planning Ref: 23/00355/FUL
Applicant: Mr K Akeredolu
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Leicester Road Football Club Leicester Road
Football Ground Leicester Road

Proposal: Proposed office block and associated parking

1. Recommendations

1.1. Grant planning permission subject to the condition at the end of this report

2. Planning Application Description

2.1. The proposal relates to the construction of a two-storey office building located to the south west of a full size football pitch, to the south east of an artificial grass pitch and next to the boundary of a cricket pitch. The building will accommodate office space only and the proposal includes the creation of 12 new parking spaces.

2.2. During the determination of the application the parking arrangement was amended to ensure that a 5m wide emergency access route remained unobstructed, therefore the number of new parking spaces was reduced from 13 to 12.

3. Description of the Site and Surrounding Area

3.1. The application site is an existing football club accessed from the B4668 Leicester Road. The site is located outside of the settlement boundary for Hinckley and within the area defined as Green Wedge.

3.2. The site is to the west of Leicester Road and includes a stadium and associated stands along with changing facilities, a gym and lounge/bar facilities. The site is bounded to the east by the Leicester Road, north by the A47, west by grass football pitches and south by the Hinckley Town Cricket club ground. Mature hedgerows mark the northern and southern boundaries. The site is relatively level apart from a gentle slope which falls north to south adjacent to the southern elevation of the eastern single storey building that currently contains the club house.

4. Relevant Planning History

23/00268/FUL	Proposed new food retail unit and extension to existing club shop	Permission	25.05.2023
19/00784/FUL	Two storey extension to east annex and first floor extension to west annex by south stand to form additional function rooms (retrospective)	Permission	02.10.2019
18/00164/FUL	Erection of a bund and refreshments hut (part retrospective)	Refused	21.11.2018
15/00887/FUL	Two storey extension to east annex and first floor extension	Permission	23.11.2015

to west annex by south stand
to form additional function
rooms.

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. No letters of representation have been received.

6. Consultation

- 6.1. No objections, some subject to conditions, have been received from:

- HBBC Drainage
- Barwell Parish Council
- HBBC Environmental Services (Pollution)
- HBBC Waste Streetscene services

- 6.2. Sport England –

25.05.2023 – Objection (summarised): *Due to its siting, the proposal has the potential to have a prejudicial impact on the playing field.*

Concerns raised by the Football Foundation are that the siting of the office building and parking spaces would impact on the current emergency access for the artificial grass pitch (AGP). As such, the scheme could result in the inability to use this AGP due to a health and safety risk to users and so the proposal would prejudice the use of the remaining area of playing field on the site. Therefore, the proposal would not meet the requirements of exception 3.

A possible resolution to overcome this objection is for the applicant to redesign the proposal so that either: 1) an amended layout of the development demonstrates that there would be no impact on the Emergency Access to the AGP; or 2) the red line boundary of the application site is extended to include the provision of a new Emergency Access to the AGP and a risk assessment demonstrates that it is suitable.

05.01.2024 – Objection withdrawn (summarised): *Additional information has been submitted by the applicant on this proposal on 2nd October 2023.*

As part of the assessment of this amended plan and additional information, Sport England has sought the views of the Rugby Football Union (RFU), and the Football Foundation (FF) who act as Sport England's technical advisors in relation to their sport and its facilities.

The RFU has confirmed that the Rugby Club do not agree with the legal situation as laid out by the applicant in their additional information and that they are continuing to seek legal advice on this issue. The FF has confirmed that on behalf of the FA they are satisfied that the proposal will not affect football having access to the 3G pitch.

Drw No: ND.21.166.01 Rev F shows the removal of two car parking spaces and the installation of a 5m wide emergency access through the application site. This amended layout would remove the previous concerns raised by Sport England and the FF about the impact of the proposal on the current emergency access to the artificial grass pitch (AGP) and for accessing the remaining site. Previous approved plans for the site (ref: 02/00863/FUL and 05/00752/FUL below) do show the

approved location of an access road labelled “emergency access road” to the pitches and the AGP.

With regards to whether the correct certificate of ownership has been served by the applicant for the land edged in red, the Rugby Football Union (RFU) has responded to the additional information submitted confirming that the Rugby Club do not agree with the legal situation as laid out by the applicant. It is understood that there is ongoing communication on this issue. This issue is unlikely to be resolved in the foreseeable future. Whilst the applicant may be successful in gaining planning permission for this proposal based on the evidence currently available, this ownership issue would need to be resolved before the applicant could implement the scheme.

Notwithstanding the above, it is considered that the amended proposal would comply with the requirements of Exception 3 in Sport England’s Playing Fields Policy and with paragraph 103 in the NPPF in that the proposal affects only land incapable of forming part of a playing pitch and would not prejudice the use of the remaining area of playing field on the site.

- 6.3. LCC as Highway Authority advise that the impacts of the development on highway safety would not be unacceptable, and the impacts on the road network would not be severe. There is no objection subject to one condition.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 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 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 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)

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
- Impact upon trees

- Other matters

Assessment against strategic planning policies

- 8.2. The site is an existing football club which was granted permission in 2003. The current stadium includes a main two-storey building housing the spectator area along with a gym on the ground floor and lounge areas, boardroom and bar to the first floor. Core Strategy Policy 1 supports the development of new leisure facilities and sporting hub on land off the A47 in the vicinity of the football stadium. Core Strategy Policy 20 states that the Green Wedge will be maintained as an important environmental and landscape asset, whilst developing it as a large-scale recreational asset.
- 8.3. The site is located within the countryside and so Policy DM4 of the SADMP is relevant. The site is also located within the designated area of the green wedge that separates Hinckley from Barwell, Earl Shilton and Burbage. Policy 6 of the Core Strategy limits development within this area to preserve the individual identity of the settlements and provide access from the settlements to green space. Within this area, uses are encouraged which provide appropriate recreational facilities. Recreation use is an acceptable use in the Green Wedge and associated development 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.
- 8.4. It is considered that the development would retain the function of and access to the green wedge and green networks. Visual appearance is considered later in this report.
- 8.5. The site is part of land allocated as HIN189 in the SADMP in relation to Policy DM8 of the SADMP. Policy DM8 states that planning permission will not be granted for proposals resulting in the loss of land or buildings in recreational or sporting use, except in certain circumstances. The proposal is to expand the existing sporting and operational facilities of the club by providing new office facilities and does not involve the loss of any land or buildings associated with the recreational or sporting use of the site. As such, this proposal is in accordance with this policy. The NPPF has a presumption in favour of sustainable development and the proposal extends existing buildings to support the other uses on the site and to provide the social hub and income to sustain the club.
- 8.6. Therefore, the principle of development is considered to be acceptable and in accordance with Policies 1, 6 and 20 of the Core Strategy and Policies DM4 and DM8 of the SADMP.

Design and impact upon the character of the area

- 8.7. Policy DM4 of the SADMP states that outdoor sport or recreation purposes in the countryside will be considered sustainable where the proposal does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the

surrounding area and that the use and application of building materials respects the local area generally.

- 8.8. The site consists of the main stadium and its buildings which are surrounded by car parking and other sports pitches. The site still has an open character with the stadium being the focal point for built development.
- 8.9. The proposed two-storey building would be located along the southern boundary of the site, alongside one of the main stands of the stadium and set back from Leicester Road by approximately 100m. Due to the tree coverage on the boundary along Leicester Road, views of the proposed buildings would be limited to glimpses.
- 8.10. The building has a simple form and design, with a shallow mono pitch roof, a maximum height of 7.35m, depth of 5.4m, and a total width of 23.4m. The design is separated to create three equally sized terrace style buildings. There is extensive glazing to the front elevations which creates a contemporary design. The materials proposed include reformed stone blocks, facing brickwork, grey aluminium doors and windows and a grey metal sheet roof. The design and materials would be in keeping with the design of the other stadium buildings and would assimilate well with the wider site.
- 8.11. Based on the above assessment the development does not unacceptably harm the character or appearance of the area and would accord with Policies DM4 and DM10 of the SADMP and Policy 6 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that proposals should not adversely affect the amenity of the occupiers of the neighbouring properties.
- 8.13. The adjacent land uses are recreational and there are no immediate residential dwellings within close proximity of the site.
- 8.14. Based on the above restrictions, it is not considered that the proposal would cause undue noise and disturbance to the occupiers of dwellings in the area once the buildings are occupied. The proposal would thus comply with the requirements of Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety and Policy DM18 of the SADMP state that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and that there is no impact on highway safety.
- 8.16. The LHA advised in its initial observations that clarity was required in respect of whether any new employees would be employed at the site or whether existing employees would be relocating to the site from elsewhere. Clarification in respect of parking provision for a capacity match day crowd was also required and whether the proposals would remove any parking provision which is currently available for such occasions. The Applicant has submitted a letter dated 8 June 2023, with the view to resolving the LHA's comments.
- 8.17. The Applicant stated within the subsequent letter that the proposals would not result in a change to the number of employees at the existing site. On this basis, the LHA is satisfied that the proposals would not result in an intensification in use of the exiting site access and that no further consideration of the existing access design is required.

- 8.18. The applicant has confirmed that the parking spaces shown on Nigel Dutton drawing number ND.21.166.01 Rev F will be provided for general users of the wider stadium site, rather than restricted to use solely for the new offices. The peak demand for parking associated with the proposed office space would be 8am to 5pm, Monday to Friday, with demand for parking associated with the wider stadium site likely to peak during the evenings and at weekends (i.e. outside of traditional office hours). This is accepted by the LHA and it is considered that the proposals are unlikely to generate on-street parking during either office hours or match days
- 8.19. LCC as the Highway Authority has therefore summarised that in their view, the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. As such, subject to conditions, the proposed development would not result in severe highway impacts and would be in accordance with Policies DM17 and DM18 of the SADMP.

Impact upon trees

- 8.20. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.21. The Council's Tree Officer initially commented that a tree survey and method statement would be required in order to fully assess the proposal and its impact on trees. The applicant subsequently submitted a Tree Survey and arboricultural method statement. No further comments were received by the Council's Tree Officer.
- 8.22. In order to accommodate the proposed building a small mixed group of shrubs are to be cut back. Beyond this row are willow and dog rose which are self-set and have grown behind the existing fence and out over the parking area. There is a row of semi-mature lime trees planted within the grounds of the cricket field (outside the development site), however there is a double ditch between this and the proposed development, therefore the development falls comfortably outside the root protection zone.
- 8.23. Only the shrubs mentioned above are to be cut back to the edge of the hardstanding and all other trees and hedges are to be retained to preserve the existing screening between the football club and cricket club. The footprint of the development falls outside the root protection area of the retained trees, therefore there is no requirement for specially engineered foundations.
- 8.24. The accompanying Tree Survey and Arboricultural method Statement collectively set out a series of Tree Protection measures which are to be implemented to protect the retained trees and their root protection areas before, during and after the demolition of the conference centre and residential building and the erection of the replacement buildings.
- 8.25. The Tree Survey includes an arboricultural impact assessment which concludes that the overall impact on trees as part of the development will be minimal. Only periodic pruning is required to maintain clearance from the proposed building, and the rear of the building would not be fitted with gutters thereby avoiding rainwater goods becoming clogged with leaf litter.
- 8.26. It is therefore considered that the proposed loss of trees and potential harm to Category A trees would not provide a robust reason to resist the proposal given the on-site mitigation that is to be provided and the significant social and economic benefits of this development. Therefore, on balance, it is considered that subject to

the submission adequate mitigation for the loss of the trees and management of the existing tree stock, it is considered that the application would accord with Policy DM6 of the SADMP.

8.27.

Other matters

8.28. Concerns were raised by the neighbouring Rugby Club regarding the access rights over the emergency access and potential safety implications regarding the width of the access if this proposal is to be approved.

8.29. Both Sport England and the Local Highway Authority have confirmed that the proposed access and parking arrangement are acceptable and would not result in an unsafe or unacceptable scheme. The issue regarding access rights and land ownership is a civil matter and should not prohibit the granting of planning permission.

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 development is considered to be an acceptable use within the green wedge, preserving the open character of the area. The proposed building and parking area is considered to respect the design and appearance of the existing development. The resultant access arrangement would be acceptable and would not result in issues for emergency vehicles, and sufficient off street parking is provided. The proposal is therefore considered to comply with the relevant Development Plan policies and is considered to be sustainable development supported by the NPPF.

11. Recommendation

11.1. **Grant planning permission subject to the following condition:**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans:

- Planning drawing number ND.21.166.01 Rev F

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy DM10 of Site Allocations and Development Management Policies Development Plan Document.

- 3) The materials to be used on the external elevations of the proposed building shall match the corresponding materials of the existing buildings and the details on the submitted application documentation and plans.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 4) The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Nigel Dutton drawing number ND.21.166.01 Rev F. Thereafter the onsite parking and turning provision shall be kept available for such uses 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

- 5) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted Tree Survey and Arboricultural Method Statement (AT2 Tree Surveys, June 2023).

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2023).

Informatives

- 1) Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

- 2) Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
- 3) To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 4) All businesses have a duty of care to ensure that any waste produced is handled safely and within the law.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service.

Storing waste

Business operators should take steps to avoid their waste causing problems with rats, mice, insects and birds:

- Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells
- Waste should be stored correctly in a suitable container which needs to be closed or lidded

Waste collection

- Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely.