

Delegated Report

Planning Ref: 25/00534/FUL
Applicant: Mr James Barnett
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Heath Lane Academy, Heath Lane, Earl Shilton

Proposal: Replacement lighting and replacement ball stop fencing to existing artificial grass pitch development

Case Officer: Ashleigh Gade (Senior Planning Officer)

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 the replacement of eight sports lighting poles and perimeter ball stop fencing to an existing artificial grass pitch at Heath Lane Academy, Heath Lane, Earl Shilton.
- 2.2. The proposed lighting poles would be constructed of galvanised steel and be fitted with new LED floodlights with improve light spillage control. The poles have a height of 15 metres. The eight proposed lighting poles and would replace eight existing lighting poles in the same locations.
- 2.3. The proposed perimeter fencing would be steel mesh fencing with a moss green powder-coated colour finish. The fencing would have a height of 4.5 metres and would replace existing fencing ranging from 3 metres to 4.5 metres in height.

3. Description of the site and surrounding area

- 3.1. The application site is located within the settlement boundary of Earl Shilton. It is located to the west of Earl Shilton town centre, close to the settlement boundary of Barwell.
- 3.2. The application site is located within the wider Heath Lane Academy site. Heath Lane Academy is a secondary school and sixth form academy.
- 3.3. The wider Heath Lane Academy site comprises a central school building with several smaller detached buildings, car parking areas to the west, and playing fields and surfaced courts to the north and east.
- 3.4. The application site comprises a playing field in the form of an Artificial Grass Pitch (AGP) located to the east of the central school buildings. The site also includes existing perimeter fencing and lighting associated with the pitch.
- 3.5. The Heath Lane Academy site gains access from Heath Lane, which is an adopted and unclassified road subject to a 30mph speed limit.
- 3.6. The application site is immediately surrounded in all directions by land within the Heath Lane Academy site. Beyond this to the north is land within the designated open countryside. To the south, east and west is predominantly residential development within Earl Shilton and Barwell. The nearest residential properties to the application site are located to the south along Heath Lane.

4. Relevant planning history

Nil.

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and sending letters to neighbours.
- 5.2. No responses have been received.

6. Consultation

- 6.1. Sport England raised no objection to the application due to its consistency with Exception 2 of their Playing Fields Policy and Paragraph 104 of the NPPF. They noted that their comments were based on the replacement fence being constructed in the same location as the existing fence.
- 6.2. Leicestershire County Council (LCC) Minerals had no objections.
- 6.3. Hinckley & Bosworth Borough Council (HBBC) Environmental Services (Pollution) were consulted and had no objections, however the officer recommended conditioning hours of use to match the submitted documentation.
- 6.4. No response was received from Earl Shilton Town Council.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 2: Development in Earl Shilton
 - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - 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. Earl Shilton and Barwell Area Action Plan (AAP) (2014)
 - Policy 22: Development and Design
 - Policy 25: Safeguarding Open Space, Sport and Recreational Facilities
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)

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

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.3 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) Development Plan Document.

8.4. Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed at least once every 5 years and should then be updated as necessary.

8.5. Nonetheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.6. The William Bradford Community College (now known as Heath Lane Academy) Playing Field, which the application site is located within and forms part of, is an allocated open space, sports and recreation facility identified as EAR24 in the Earl Shilton and Barwell Area Action Plan (AAP). Policy 25 of the AAP is therefore relevant to the proposal.

8.7. Policy 25 of the AAP 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.
- 8.8. The application site is located within the Earl Shilton settlement boundary. Sites within the settlement boundary are typically considered the most sustainable locations for development.
- 8.9. The proposal involves the replacement of existing sport field lighting and perimeter ball stop fencing associated with an existing artificial grass pitch. The proposal therefore supports the retention of land in recreational or sporting use and does not involve the loss of any land currently in such use.
- 8.10. It is noted that Sport England had no objection to the proposal, based on the replacement works being located in the same location as the existing.
- 8.11. It is considered that the proposal contributes to the retention of an existing recreation and sport facility in compliance with Policy 25 of the AAP, and that the proposal is therefore acceptable in principle.

Design and impact upon the character of the area

- 8.12 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.13 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.14 Policy DM10 of the SADMP seeks to ensure that developments would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.15 The proposed lighting poles and ball stop fencing would be constructed within the grounds of Heath Lane Academy in the same location as the poles and fencing they will replace.
- 8.16 The proposed replacement lighting poles would have a height of 15 metres which is the same as the existing eight lighting poles on the site.
- 8.17 The proposed replacement ball stop fencing would have a height of 4.5 metres which is the same as the tallest sections of the existing ball stop fencing. The fencing will have a powder-coated green colour finish which will complement and blend into the surrounds of the pitch.
- 8.18 The scale, design and materials of the proposal are typical of this type of development and are consistent with the existing appearance of the site. The views

of the application site in context would therefore be consistent with what has been in place on the site since the late 1990s.

- 8.19 Given the above, it is considered that the proposal would complement the existing character of the site and demonstrate consistency with existing development with regard to scale, layout, design and materials and therefore complies with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.20 Policy DM10 of the SADMP seeks to ensure that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.21 The nearest residential properties to the application site are located to the west along Heath Lane, separated by a distance of approximately 50 metres.
- 8.22 The proposed development involves the replacement of the existing floodlighting in eight lighting poles with new LED floodlighting in the proposed new lighting poles. The proposed floodlighting uses newer lighting design which allows for better light spillage control and eliminate upward light ratio.
- 8.23 The Applicant has provided a comparison light spill diagram demonstrating the reduction in light spill to neighbouring properties from the proposed new lighting. The comparison demonstrates that the existing lighting results in spillage up to 10 lux to the rear boundaries of properties along Heath Lane, whereas the proposed lighting would contain all light spillage within the Heath Lane academy site with 0 lux light spillage to the rear boundaries of the neighbouring properties.
- 8.24 The proposed hours of operation for the development are between 8:00am and 10:00pm Monday to Friday and between 8:00am and 8:00pm on Saturdays, Sundays and Bank Holidays. These hours are considered generally consistent with development of this type, noting that facilities of this type need to accommodate reasonable use outside of regular school and working hours.
- 8.25 Given the above, it is not considered that the proposal would have a significant adverse effect on the privacy or amenity of neighbouring occupiers and therefore complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.26 Policy DM17 of the SADMP sets out that proposals will be supported where they demonstrate that there would not be a significant adverse impact upon highway safety. Policy DM18 of the SADMP requires proposed developments to provide an appropriate level of parking provision.
- 8.27 The Heath Lane Academy site benefits from existing access from Heath Lane and an existing car parking area is located to the west of the site, approximately 130 metres from the development site. The proposal makes no alteration to the existing access and car parking provision.
- 8.28 The proposed development does not involve the provision of any new recreational and sporting facilities and does not increase the capacity of the existing artificial

grass pitch. It is therefore not considered that the proposal would increase the intensity of use of the site nor lead to any significant increase in trips to the site.

- 8.29 It is therefore considered that the proposed development would not result in any significant adverse impact upon highway safety or parking provision, and that the proposal is in accordance with Policies DM17 and DM18 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. Taking national and local planning policies into account, and regarding all relevant material considerations, as detailed within the preceding report, it is recommended that planning permission be granted.

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:

- Existing Site Location Plan, Drg No.SSL3505 01 (submitted: 30.05.2025)
- Proposed Site Plan, Drg No.SSL3505 03 (submitted: 30.05.2025)
- Proposed Elevation, Drg No.SSL3505 04 (submitted: 30.05.2025)
- Spillage Comparison, Drg No.SSL3505 05 (submitted: 30.05.2025)
- Appendix B - Proposed Lighting Design (submitted: 30.05.2025)
- Sports Lighting Statement (submitted: 20.08.2025)
- Technical Information to Support Planning Application (submitted: 20.08.2025)

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 materials to be used on the proposed development shall accord with the information submitted within the application documentation.

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 facility shall not be used outside of the following hours:

Monday to Friday: 08:00 to 22:00

Saturday, Sunday and Bank Holidays: 08:00 to 20:00

Reason: To protect the amenity of the occupiers of nearby residential properties from unsatisfactory noise and disturbance in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. 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.