

**Delegated Report
Discharge of Conditions**

Planning Ref: 24/00992/DISCON
Applicant: Mr Matt Nicolle
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: Redmoor High School Academy Trust Wykin Road Hinckley

Application to discharge Condition 6 (Community Use Agreement) from planning application 23/01164/FUL

Conditions and supporting details submitted to apply for the conditions to be discharged:

Condition 6

No development shall commence above foundation level of the building hereby approved 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 sports hall, fitness suite, changing rooms, external grass playing pitches, non turf cricket wicket and external netball/tennis courts 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.

C6 Draft Community Use agreement – Received 28 October 2024

Consultees / Assessed by:

Sport England (FF Football Foundation, BE Badminton England & EN, England Netball)

Conclusion / Summary:

Condition 6

A Draft community use agreement (CUA) has been submitted in support of Condition 6 and Sport England consulted who requested the condition on the original application. The outcome was that the agreement did not contain crucial information that is required within a use agreement which are a minimum requirement:

FF, EN & BE requirements:

- Confirmation of interested parties and representatives and included as signatories
- Stoke Golding PC have been included as part of the Management Committee and the FF recommends that a representative from the CFA is included to ensure that football is represented, in the even the club leaves the site in the future.
- The CUA is unclear who is part of the monitoring and review section and removal of a sentence that is not relevant in the CUA and relates to conditions of the PP
- Plans to show the facilities available for the community use have not been provided
- It is recommended by the FF that Sunday hours access should be consistent with Saturdays
- The FF recommends removal of sentence in Schedule 2 point 2 “restrict the use of grass sports areas “

- What ancillary facilities will be accessible for users of the outdoor facilities (changing rooms and toilets)
- There has been a significant growth in social and junior netball in Leicestershire
- The CUA does not include information on use and costings for badminton and there is an unmet demand for this sport

Sport England requirements:

- Proposed members need to be a party to the agreement, one of them should be the County FA
- Parties to enter into the agreement – “parties” to be listed and signatories to the agreement
- Definitions and interpretations – “parties” are not identified in the agreement
- Review committee “parties” needs to be defined
- Management is included in Financial Matters. The CUA requires management responsibilities and a mechanism for review and implementation. This should be included in Section 8 and the steering group should consist of as a minimum the parties to the agreement as well as the clubs using the facilities. Frequency of meetings is required
- Plan of outdoor and indoor facilities is not provided
- Hours of access Sunday should be extended
- Terms of reference is missing in the Management Committee Schedule 3

The draft CUA is lacking in mechanisms to ensure community use of the internal and external facilities as required by Condition 6 and therefore does not represent a well-managed safe community access to ensure that the new sport facility and the remaining playing field land provides the sufficient benefit to the development of sport and to accord Policy DM8 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2023).

The Local Planning Authority provided the consultation comments received on 22 November 2024 to the applicant / agent on 4 December 2024 which they advised has caused significant concern due to the time period and on 12 December asked for Condition 6 to be re-worded to “Prior to the development being brought into use”. The LPA advised on 12 December that they would need to submit an application to vary the condition wording. No further correspondence has been received and therefore the LPA will determine the application as not discharged

Officer Recommendations:

Condition 6 Community Use Agreement – Not Discharged