
From: Sharron Wilkinson <Sharron.Wilkinson@sportengland.org>
Sent: 26 April 2024 15:49
To: Planning Folder New
Cc: alex@alpineplanningltd.com
Subject: App No: 23/01135/FUL - Two storey boxing gym with associated parking, outdoor activity areas and landscaping at Land adj. Hinckley Rugby Club, Hinckley - Sport England ref: PA/23/EM/HIN/66438

Categories: Tidd

Dear Alex,

Thank you for consulting Sport England on additional information and amended plans submitted for the above application following concerns raised in our consultation responses dated 4 January 2024 and 18 March 2024.

The additional information relates to the submission of an amended Cricket Ball Strike Assessment Report produced by Labosport (27.03.24). This report has assessed the level of cricket played at the adjoining cricket club. Recreational and junior level cricket is played at the site. The report assesses that recreational cricket is played on the ten most northerly pitches with the remaining three wickets located within the south-eastern section of the square being used for junior cricket. The report recommends that to provide a suitable level of protection for users of the proposed access road and car parks the following mitigation measures are required:
An 8 m high ball stop fence along 18 metres of the access road and,
A 5m high ball stop fence along a further 23 metres of the access road and,
A 4 m high ball stop fence along a further 40 metres of the access road.

The additional information also includes a Deed of Agreement between the applicant and the owners of the land, the cricket club. The agreed terms are that provided completion occurs and a condition is imposed on any planning permission, the cricket club confirm that the boxing club is permitted to install and retain the ball-strike mitigation measures in the Labosport report on land owned by the Cricket Club. The Boxing Club also agree that the cost of maintenance of the ball-strike mitigation measures will be met by the Boxing Club subject to restrictions.

Amended plans ref: 4594/HOEBEC/21/101 Rev P9 (Proposed Site Plan with Access Road) and 4594/HOEBEC/21/100 Rev P12 (Proposed Site Plan) are also included in the amended submission along with a letter from England Boxing dated 25 March 2024 expressing support for the development proposed. A letter from Corporate Architecture dated 8 April 2024 has also been submitted.

As part of the assessment of the amended application Sport England has sought the views of the England and Wales Cricket Board (ECB) and England Boxing who act as Sport England's technical advisor in relation to their sport and its facilities. At the time of writing only the comments received from the ECB were available. Their comments are summarised below:

- Discussions with the Cricket Club have helped Labosport understand the use of the pitches better and version 4.0 of the Assessment Report is acceptable.
- The new position of the fencing is acceptable if the club are happy with that position.
- A question is raised regarding the deed of agreement and whether the cricket club sought any legal advice before signing it as the ECB is not qualified to feedback on the document's validity.
- The deed of agreement document should include both replacement and maintenance of the mitigation fencing in place in perpetuity. The cricket club shouldn't incur any cost in connection with this fence.
- The design and specification of the ball-strike net is required to be agreed.

Assessment of Additional Information and Amended Plans against Sport England's Policy/NPPF

As previously raised, the proposal would lead to the loss of playing field land. The proposal therefore needs to be considered against the exceptions in Sport England's policy which accord with the specified justifications included in paragraph 103 of the NPPF. Sport England has assessed the proposal against exception 5 of Sport England's Playing Fields Policy (which is in accordance with paragraph 103 c) of the NPPF) which states:

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

The mitigation measures included in the amended Cricket Ball Strike Assessment Report relate to the construction of a fence along sections of the access road and car park areas for the proposal of heights of between 4-8 metres. The locations and heights of the fences required are contained in the Assessment Report. The Report confirms that it does not recommend the specific design of a mitigation system. One of the options included is the use of ball stop netting. The ECB has confirmed that the mitigation measures in this amended Assessment Report are acceptable subject to the design of the fencing being agreed.

As raised previously, these mitigation measures would be installed on land outside of the planning application site boundary. A deed of agreement has been submitted with the amended application between the applicant and the owner of this land, the cricket club, which confirms that the boxing club is permitted to install and retain the ball-strike mitigation measures in the Labosport report on land owned by the Cricket Club. The Boxing Club also agree that the cost of maintenance of the ball-strike mitigation measures will be met by the Boxing Club provided a planning condition is imposed on any planning permission granted.

The contents of the letter of support from England Boxing is noted. Based on the amended information and plans submitted, it is agreed that the boxing gym indoor facility would provide a significant benefit to the development of sport in the area. In order to ensure that the proposal would not have a prejudicial impact on the use of the remaining playing field land being used as a cricket pitch, a Grampian condition should be imposed which required details of the design and specification of the ball stop mitigation along with the management and maintenance responsibilities to be agreed before development commences and for the approved details to be installed prior to the use of the development and maintained in perpetuity thereafter.

Conclusion

Given the above assessment, Sport England wishes to withdraw its previous objection and so has **no objection** to this application provided the following planning condition is attached to the decision notice if the Council is minded to grant planning permission. Compliance with this condition would result in the proposal being in accordance with exception 5 in Sport England's playing fields policy and with the requirements of Paragraphs 103 and 193 of the NPPF in that the proposal would not prejudice the use of the remaining playing field land:

Condition:

No development shall commence on site until full details of the design and specification of the ball stop mitigation fencing as contained in Hinckley Town CC Cricket Ball Strike Assessment Version 4.0 dated 27 March 2024 including details of the management and maintenance responsibilities for the fencing have first been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The approved ball stop mitigation fencing shall then be installed prior to the use of the development hereby approved and thereafter be managed and maintained in perpetuity in full accordance with the approved details.

Reason:

To provide protection for the users of the development from potential ball strike from the adjacent cricket pitch and therefore safeguard sporting use of the remaining playing field in accordance with paragraphs 103 and 193 of the National Planning Policy Framework (2023).

A pre-commencement condition is required as works to secure the required mitigation measures are located on land outside of the application site and these works need to be agreed in writing before work can commence on this development.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

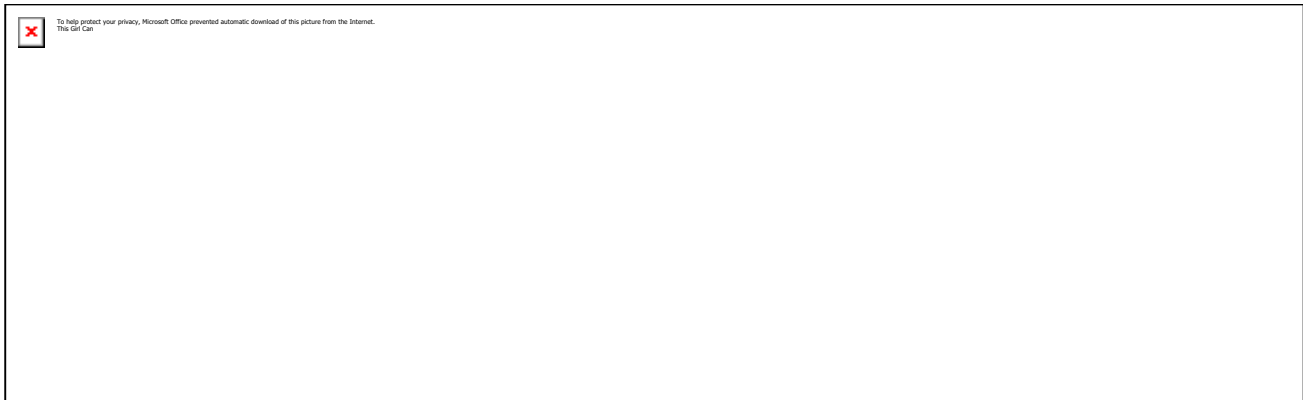
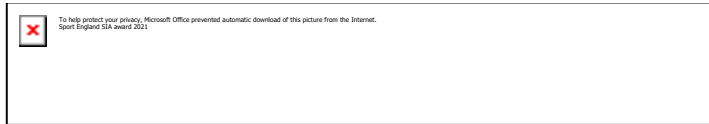
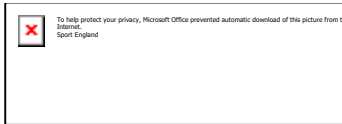
Yours sincerely,

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