

Delegated Report

Planning Ref: 23/01135/FUL
Applicant: Mr Nick Griffin
Ward: Barwell



Hinckley & Bosworth
Borough Council

**Site: Land Adjacent To Hinckley Rugby Club, Leicester Road,
Hinckley**

Proposal: Construction of two storey boxing gym with associated parking, outdoor activity areas and landscaping

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions as outlined at the end of this report

2. Planning application description

2.1. The application seeks planning permission for the construction of a two storey gym with associated parking, outdoor activity areas and landscaping. The building would contain three boxing rings on the ground floor along with changing rooms and a canteen area. On the first floor there would be a mixed yoga/strength gym, physiotherapy room, classroom and viewing gallery. The application also includes details of the proposed car parking and access road into the application site through Hinckley Cricket Club's car park.

2.2. The proposed building would occupy a gross external floor area on the site of 720m².

2.3. The application details include:

- Proposed site plan
- OS and block plan
- Access Plan
- Proposed ground floor plan
- Proposed first floor plan
- Proposed roof plan
- Proposed elevations
- Proposed site compound
- Design and Access Statement
- Transport Assessment
- Topographical survey
- Cricket ball strike assessment
- Phase II intrusive assessment and geotechnical investigation

3. Description of the site and surrounding area

3.1. The application site is located to the North-East of Hinckley town centre, on the main Leicester Road (B4668) heading out of the town centre. The site is situated in the corner of a wider site that accommodates a number of sporting clubs and facilities including Hinckley Rugby Club, Hinckley Town Cricket Club and Hinckley Town Tennis Club. The effect of the collation of these organisations and facilities creates a sporting hub, which is recognised within Policy 1 of the Core Strategy (2009).

- 3.2. The site comprises part of an existing playing field and is immediately adjacent to the cricket pitch, and is surrounded on two sides by mature hedgerow and tree planting. Leicester Road, lies beyond this to the southeast – offering easy access and public transport links.
- 3.3. The site topography is predominantly level throughout as required by the adjacent cricket circle.
- 3.4. No public rights of way exist within the site.
- 3.5. The site area is approximately 3644 square metres.

4. Relevant planning history

- 4.1. There is no relevant planning history associated with this component part of the wider sports hub.
- 4.2. Pre-application advice was sought on 20/10/2022. Feedback was received on 15/03/2022 (Reference: 21/10162/PREMAJ).

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 and a notice was displayed in the local press.
- 5.2. No third party or neighbour comments have been received.

6. Consultation

- 6.1. No objection has been received from:
- HBBC Environmental Health – subject to contaminated land condition
 - Barwell Parish Council
 - LCC Ecology – subject to conditions
 - Environment Agency
- 6.2. Local Highway Authority - The LHA provided detailed pre-application advice (highways reference number 2022/5794/04/HEN) as part of H&BBC pre-application reference 21/10162/PREMAJ. The LHA advises that until a Transport Statement has been submitted in support of the proposals which considers the impact of the proposals on the site access and surrounding highway network, it is unable to provide further comments at this time. The LHA's pre-application advice can be provided to the applicant on request. Access is proposed via the existing site access to Hinckley Rugby Club on Leicester Road, a classified road (B4668) subject to a 50mph speed limit. The Applicant should be aware of Part 1, Section IN5 of the LHDG, which outlines the LHA position on 'Access to A- and B-class roads'. This will require consideration within the Transport Statement.

Further response received 26 April 2024 - The LHA previously asked the Applicant to consider closing the existing lay-by to the northeast of the access in order to improve visibility at the site access and to remove parked vehicles in the visibility splay. The Applicant has responded stating that a review of Personal Injury Collision (PIC) data has not indicated a pre-existing road safety issue at the junction that would require mitigation due to the proposals. The Applicant also considers that parking in the lay-by would only occur during rugby and cricket matches, which are held outside the gym's main sessions. In addition, the Applicant advises that the Hinckley National

Rail Freight Interchange (NRFI) proposals would result in a roundabout being constructed close to the existing site access, along with potentially Traffic Regulation Orders to prevent stopping. The Applicant considers this would be of more benefit to the site access than removal of the layby.

The Applicant has confirmed that the level of attendees at the site would be as set out within the submitted Transport Assessment and that those stated within the Design & Access Statement are incorrect. On this basis, the LHA considers there would be less of an intensification of the existing access than first anticipated. The LHA previously advised two PIC's had been identified on Leicester Road. The first occurred at the site access in April 2019 and was recorded as slight. The PIC involved a waiting vehicle and a rear end shunt. The LHA advise that since the submission of the previous observations, the PIC is now considered to have occurred over five years ago. The second PIC occurred in December 2023 and was recorded as serious. The PIC involved a rear end shunt between three vehicles on the approach to the Leicester Road/ A47 Normandy Way/ The Common roundabout. Given there have been no recorded PIC's at the site access within the last five years, the access serves several sports clubs, and the lower level of intensification than initially anticipated, the LHA advise it would not require the removal of the existing lay-by as part of the proposals under the site specific circumstances.

The LHA advise that in terms of the Hinckley NRFI, as this application has not been determined to date and therefore construction has not started, there is no guarantee that the development will be granted permission or would it alter the layout of Leicester Road in the vicinity of the site access. In addition, the LHA consider there is no guarantee that the site would be operational outside of the hours that the other sports clubs on-site operate at all times, and therefore it could not be guaranteed parking would not occur at times when other venues across the wider site are in use.

The LHA previously advised that whilst the Applicant had stated training sessions would consist of groups of 25 people and two training staff, the Design & Access Statement detailed:

'the building would typically be occupied by up to 60 persons at any one time, increasing on event days to 100 persons using the building'.

The Applicant has now stated in paragraph 2.13 of the Response to Highway Comments document that:

'It should be noted that the numbers quoted in paragraph 12.09 of the accompanying Design and Access Statement (D&A) are now acknowledged to be superseded having been based on the initial pre-application proposals in 2021.'

Based on this revised information, the LHA would advise the LPA that the Applicant has considered an acceptable number of trips during the weekend peak. The LHA advised that an indication of the level of trips that could be generated by the site in the weekday AM and PM peaks was also required. The Applicant has clarified that during the week, the gym would be open between 07:00 – 21:00. In addition, three training sessions would be held across the day, with individual one to one sessions happening outside the main three sessions. Training sessions would be held between 18:00 – 21:00 and would accommodate various age groups.

The Applicant has stated during the AM peak, two people would arrive to do a one to one session (one member and one staff). This session would typically last one hour (between 07:00 – 08:00), meaning there would be one departure between 08:00 – 09:00 following the training session, with the staff member remaining on-site afterwards to do other sessions throughout the day. The Applicant therefore considers the AM trips to be negligible.

During the PM peaks, it is stated the majority of members will attend one of three sessions depending on age, which are held between 18:00 – 21:00. These sessions are staggered to manage the facilities within the site, such as changing rooms. The first session would be for juniors, beginning at 18:00. The session would be attended

by 25 junior members and two members of staff, who it is stated would already be at the gym after attending to individual sessions and preparing for the evening sessions. The Applicant acknowledges that given the starting time of the training session, trips would be generated in the PM peak (17:00 – 18:00).

It is stated that given the earlier training session would be for junior members, those who currently attend the sessions do not have access to a vehicle due to their age. Currently, those attending the session walk or cycle and the boxing club has indicated they would continue to do so to the new location. The Applicant considers that it is not appropriate to apply the Saturday mode split used previously because this considers all members, whereas the PM peak would consist of junior members only.

The Applicant has therefore provided the modal split for a junior PM session based on information provided by the boxing club as detailed in Table 1.

On this basis, there could be three members walk to the site, eight cycle and 15 be dropped off or picked up in a vehicle. The Applicant has advised a higher proportion of members could walk or cycle in practice, however a higher proportion of vehicles have been included for robustness.

Due to the timing of the training session, all vehicles associated with members being dropped off would arrive in the PM peak. The Applicant considers the departures are likely to occur across the PM peak and the next hour (18:00 – 19:00) due to the timing of the session.

The Applicant has also stated that depending on the distance travelled to the site, those travelling further are likely to stay and wait until the end of the session before departing. The Applicant has advised as a worst case scenario, there could therefore be 15 arrivals and 15 departures, or 30 two way trips, between 17:00 – 18:00.

The LHA accept the Applicants methodology for weekday trips. Under the site specific circumstances, it is also accepted that it is unlikely there would be 30 two way trips during the PM peak hour due to the likelihood of some of those dropping off members staying on-site until the end of the training session or, departing after 18:00 after the session starts.

The LHA previously suggested a reasonable assumption about where new members would come from should be provided by the Applicant and whether this would affect trip distribution. The Applicant has stated that given the nature of the proposed gym and its relationship to the town of Hinckley, it is likely that the majority of new members will live in Hinckley or the surrounding Towns of Barwell and Earl Shilton. This would result in a similar trip distribution to that previously indicated for existing members. The Applicant considers this is likely given the nature of the surrounding areas, with Hinckley being the largest settlement in the area and thus the largest draw for new members. With many new members likely to be travelling from Hinckley, it has also been considered likely that Leicester Road Northbound would still be the most popular route, with the route to Hinckley via the A47 being the fastest and most convenient route to many areas of the Town and to nearby Barwell and Earl Shilton. The LHA accepts the Applicants trip distribution analysis for new members.

The LHA previously advised that in the event the proposals were acceptable in the future, it would require an event management plan to be provided to outline how parking would be accommodated within the overall Rugby Club site and how events would be managed to avoid conflicting with events at the existing sports facilities within the overall site. In addition, the LHA advised that the Applicant had previously stated an area covering the proposed car park would fall within the red line boundary of the construction area for a roundabout on Leicester Road which is proposed as part of the Hinckley NRFI. The LHA require a condition to ensure the car park is constructed as shown prior to first use of the development. Should the LPA grant planning permission for the proposals, the Applicant would be required to provide details of temporary alternative parking arrangements in due course, should it not be

possible to construct the car park as shown due to developments with the Hinckley NRFI. The LHA also require an Event Management Plan to be provided to outline how parking would be accommodated within the overall Rugby Club site and how events would be managed to avoid conflicting with events at the existing sports facilities within the overall site.

- 6.3. Sport England - objects to this application as it is not considered to accord with any of the exceptions to Sport England's playing fields policy or with Paragraphs 103 and 193 of the NPPF in that the proposal would prejudice the use of the remaining playing field land in an area where a surplus of playing field land cannot be demonstrated.

Further response received from Sport England - Based on the amended information and plans submitted, whilst the proposed boxing gym indoor facility would provide a significant benefit to the development of sport in the area, the application fails to demonstrate that the proposed development would not have a prejudicial impact on the use of the remaining land being used as a cricket pitch. The Cricket Ball Strike Assessment Report recommends that to provide a suitable level of protection for users of the proposed access road and car parks then mitigation measures are required. Further information is required on how these mitigation measures would be provided on site by the applicant and maintained by them. Further information is also required on whether the Council would accept fences to the heights suggested acceptable in this location. Information is also required on any alternative mitigation measures being proposed and how the applicant would implement these on site. Without this information, it is Sport England's opinion that the proposal would have a prejudicial impact on the use of the remaining land being used as a playing field.

Further response received from Sport England April 2024 – We withdraw our previous objection. 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.

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.

Sport England has no objection to this application provided a planning condition is attached in relation to mitigation fencing. 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:

6.4. LCC Drainage – Further information required.

Further response received March 2024 – No objections subject to conditions.

7. Policy

7.1. Core Strategy (2009)

- Policy 1 – Development in Hinckley
- Policy 6 Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 24 – Sustainable Design and Technology

7.2. Site Allocations and Development Management Policies DPD (2016)

- DM1 – Presumption in favour of sustainable development
- DM2 – Delivering Renewable Energy and Low Carbon Development
- DM4 – Safeguarding the Countryside and Settlement Separation
- DM6 – Enhancement of Biodiversity and Geological Interest
- DM7 – Preventing Pollution and Flooding
- DM8 – Safeguarding Open Space, Sport and Recreational Facilities
- DM10 – Development and Design
- DM17 – Highways and Transport
- DM18 – Vehicle Parking Standards
- DM25 – Community Facilities

7.3. National Planning Policies and Guidance

National Planning Policy Framework (NPPF) (2021)
Planning Practice Guidance (PPG)
National Design Guide (2019)

7.4. Other relevant guidance

Good Design Guide (2020)
National Design Guide (2019)
Leicestershire Highway Design Guide
Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review Sep 2020
Sport England 'Playing Fields Policy and Guidance Document'

8. Appraisal

8.1. The following list represents the key issues for assessing this planning application:

- Principle of Development
- Impact upon Highway Safety
- Design and Layout
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Planning Balance

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) 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.
- 8.3. 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).
- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The urban area is the focus for development and Hinckley is the most sustainable location and a sub-regional centre, as identified by Policy 1 of the CS.
- 8.6. 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 alongside Policy DM8 of the SADMP, which accord with the specified justifications included in Paragraph 103 of the NPPF which states:

'Existing open space, sports and recreational buildings and land including playing fields should not be built on unless:

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or*
- *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*
- *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'*

- 8.7. Paragraph 193 of the NPPF also sets out that planning decisions should ensure new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity the applicant should be required to provide suitable mitigation before the development has been completed.
- 8.8. The proposals would involve the provision of an additional sporting/community facility within a location that is defined by the provision of both. Policy DM25 of the Site Allocations and Development Management Policies DPD specifically seeks to

enhance and protect such facilities. However, Sport England has raised concerns that the proposal could prejudice the use of the remaining playing field land in an area where a surplus of playing field land cannot be demonstrated. Following the submission of additional information Sport England no longer object to the proposal.

- 8.9. The site is within the green wedge Policy 6 of the Core Strategy limits development within the Green Wedge, to ensure operational development does not damage the function of the Green Wedge. The Policy encourages development of appropriate recreational facilities within the green wedge on the provision that any land use or associated development in the Green Wedge 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
- 8.10 Policy 20 of the CS states the Green Wedge should be maintained as it plays an important environmental and landscape protection role. The policy seeks the area to be a large scale recreational asset. The proposals would retain the function of the Green Wedge and would promote recreation and sport within the area, making use of a site located in a sustainable location to deliver recreational benefits to the surrounding area.
- 8.11 The site also falls within the Countryside where policy DM4 is relevant, Policy DM4 supports development in the countryside for recreational facilities where there is no significant harm to the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.12 For the reasons outlined above the proposal is considered acceptable in principle in accordance with Policy 1, 6 and 19 of the Core Strategy and Policy DM4 and DM8 of the SADMP, subject to all other policy requirements being met.

Impact upon Highway Safety

- 8.10. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.11. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.12. Paragraph 115 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 (e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.13. A Transport Assessment was submitted by the applicant upon request of the local highway authority. The LHA have assessed the details and are satisfied with the contents/findings.

- 8.14. The Applicant has stated that given the nature of the proposed gym and its relationship to the town of Hinckley, it is likely that the majority of new members will live in Hinckley or the surrounding Towns of Barwell and Earl Shilton. This would result in a similar trip distribution to that previously indicated for existing members. The Applicant considers this is likely given the nature of the surrounding areas, with Hinckley being the largest settlement in the area and thus the largest draw for new members. With many new members likely to be travelling from Hinckley, it has also been considered likely that Leicester Road Northbound would still be the most popular route, with the route to Hinckley via the A47 being the fastest and most convenient route to many areas of the Town and to nearby Barwell and Earl Shilton. The LHA accepts the Applicants trip distribution analysis for new members.
- 8.15. The Applicant has stated that the area covering the proposed car park would fall within the red line boundary of the construction area for a roundabout on Leicester Road which is proposed as part of the Hinckley National Rail Freight Interchange (NRFI). The LHA advise that a condition is required to ensure the car park is constructed as shown prior to first use of the development. Should planning permission be granted for the NRFI proposals, the Applicant would be required to provide details of temporary alternative parking arrangements in due course, should it not be possible to construct the car park as shown due to developments with the Hinckley NRFI.
- 8.16. The LHA also require an Event Management Plan to be provided to outline how parking would be accommodated within the overall Rugby Club site and how events would be managed to avoid conflicting with events at the existing sports facilities within the overall site.
- 8.17. Therefore, subject to suitably worded conditions this application is considered to be acceptable with respect to highway safety, traffic and access considerations and is therefore in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management DPD 2106 and the requirements of the NPPF.

Design and Layout

- 8.18. Policy DM10 of the adopted SADMP 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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.19. This application proposes a two storey building approximately 36m in length, 20m in width with a ridge height of 8m. The building would occupy a gross external floor area on the site of approx. 720m².
- 8.20. At ground floor, the building would be split to comprise a large gym area capable of holding up to 2 full size boxing rings & 1 full size competition (Olympic) boxing ring as well as a large training space.
- 8.21. The building would also comprise non-binary and fully accessible changing facilities, a café/lunch area with break out zones and ancillary functions such as staircase/disabled lift/reception/storage etc. The changing area would provide facilities for members to shower and change prior to and post training. Lockers would also be provided for the storage of personal belongings.

- 8.22. The entrance lobby would be served by a large expanse of curtain walling glazing to flood the area with natural light and provide a logical entrance focal point.
- 8.23. The canteen area would include a large glazed screen which would offer views into the main boxing gym for spectators creating an active visual link to the club activities.
- 8.24. At first floor the building is proposed to have a mixed-use gymnasium space which may be used by potential members or rented out to a private personal trainer for sessions. A large physiotherapy room and classroom are also proposed. The remaining space is taken up with storage, toilet provision & ancillary functions.
- 8.25. The building shell would comprise a portal frame steel construction with an insulated cladding panel outer skin. The proposed roof is a dual pitch single span pitched roof with an approximate 7-degree fall. The eaves height is approximately 6m with a ridge height of approximately 8m. It is proposed that all doors and windows would be of UPVC construction finished in RAL7016 Anthracite Grey.
- 8.26. Landscaping details have not been provided as part of the application details but the Design and Access Statement illustrates that landscaping can be provided on site with the intention to install a mixture of shrubbery, planting & semi-mature landscaping in order to enhance the development aesthetically. It is considered that landscaping details can be imposed as a condition to be submitted and approved by the local planning authority prior to commencement of development.
- 8.27. With respect to layout considerations, initially, Sport England initially objected to the proposal. Their concerns related to the proximity of the Cricket pitches to the proposed building and potential ball strike issues and safety risks. They also raised concerns that the proposal could prejudice the use of the remaining playing field land in an area where a surplus of playing field land cannot be demonstrated.
- 8.28. Additional information was sought by Sport England including a cricket ball assessment. The assessment included mitigation measures. The mitigation measures propose 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 comprising:
- An 8 m high ball stop fence along 18 metres of the access road
 - 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 English Cricket Board has confirmed that the mitigation measures in the Assessment Report are acceptable subject to the design of the fencing being agreed.
- 8.29. Sport England have subsequently removed their objection subject to a Grampian condition relating to the provision of fencing. The Cricket Club have agreed that with the fencing in place the boxing club would not adversely impact on the cricket pitches and would not prejudice the use of the land.
- 8.30. Subject to a fencing and landscaping condition therefore, the application is considered to be acceptable with respect to design and layout considerations and compliant with Development Plan Policy.

Impact upon Residential Amenity

- 8.31. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting

and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.32. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.33. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.34. A contaminated land report has been submitted as part of the application details. No objections have been received from the Environmental Health Team subject to a suitably worded condition with respect to the potential for land contamination found later.
- 8.35. No objections have been received from third parties or local residents.
- 8.36. The Council's waste team have not objected to the application but have requested that space is made available within the site to accommodate waste/recycling storage facilities.
- 8.37. The proposal would not adversely impact upon residential properties due to its location adjacent to a road and within an existing sports hub area. It is a compatible use for the area in which it is situated. There are not considered to be adverse amenity impacts arising from this proposed development.
- 8.38. This application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.39. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.40. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.41. The 0.33ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding.
- 8.42. Subsequent to the submission of further information, the application now contains surface water drainage details which are sufficient for the size and scale of the development in relation to the low risk of surface water flooding on site.

- 8.43. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise that subject to conditions, the development is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

Ecology and Biodiversity

- 8.44. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.45. The LCC Ecology Team have not objected to the proposed development.
- 8.46. The proposed structure and associated hard landscaping is located within an existing cricket ground with very shortly managed amenity grassland of little ecological value. The proposals have been designed to incorporate existing pockets of vegetation with very little impacts occurring other than to the existing grassland and a small number of small trees. The Ecology Team have advised that any soft landscaping proposals should be of native species and local province. In line with NPPF policy and to provide biodiversity enhancement opportunities, it is recommended that 2no bat boxes and 2no bird boxes (either integrated or external) are incorporated into the scheme either on the proposed structure or retained trees. This can form a standard planning condition with the details of the makes, models and locations provided within a drawing/plan submitted to the LPA to discharge the condition.
- 8.47. As such, it is considered that subject to the proposed conditions, the proposals meet the requirements of Policy DM6 of the SADMP with respect to ecology matters, as well as Paragraph 186 of the NPPF (2023).

Planning Balance

- 8.48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.49. Based on the amended information and plans submitted, it is considered 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.
- 8.50. The proposal is considered to accord with Paragraph 103 of the NPPF and Sport England are now supportive of the scheme.
- 8.51. There are no other material considerations to warrant refusal of this planning application. Subject to the conditions as set out below the application is recommended for approval.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

10.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

- 10.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

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 general accordance with the submitted application details, as follows:

OS and Block Plan - 4594/HOEBBC/21/001 Rev P5
Revised Proposed Site Plan - 4594/HOEBBC/21/100 Rev P12
Revised Proposed Site Plan with Access Road 4594/HOEBBC/21/101 Rev P9
Proposed Ground Floor Plan - 4594/HOEBBC/21/1000 Rev T1
Proposed First Floor Plan - 4594/HOEBBC/21/1001 Rev T1
Proposed Roof Plan - 4594/HOEBBC/21/112 Rev P1
Proposed Elevations - 4594/HOEBBC/21/120 Rev P5

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. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the approved building have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the commencement of development a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to be provided together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

7. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments for the site and implementation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall include native species only and be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or

seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

Reason: To ensure the development has a satisfactory external appearance in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and requirements of the NPPF.

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

9. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

10. Prior to occupation of the development hereby approved details of the provision of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first use of the accommodation and shall be retained as such thereafter.

Reason: To help encourage wildlife species and their habitats in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 and Section 15 of the National Planning Policy Framework (2023).

11. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies.

12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not lead to on-street parking problems in the area.

13. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on SLR drawing number T101-415.064498.00001 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

14. The development hereby permitted shall not be first used until such time as the parking and turning facilities have been implemented in accordance with Corporate Architecture Ltd drawing number 4594/HOEBK/21/101 Rev P9. 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 the National Planning Policy Framework (December 2023).

15. Prior to the first use of the development hereby permitted, a high attendance Event Management Plan including details of event day travel and parking arrangements for all attendees at the boxing gym shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To reduce the need to travel by single occupancy vehicle, to promote the use of sustainable modes of transport, 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 in accordance with the National Planning Policy Framework (December 2023).

16. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (December 2023).

17. 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).

Notes to applicant

1. In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
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. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
5. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.
6. Where there are changes to the surface water proposals which alter the maintenance requirements, a revised maintenance plan should be submitted.
7. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

