

Planning Committee 6 March 2018
Report of the Planning Manager, Development Management

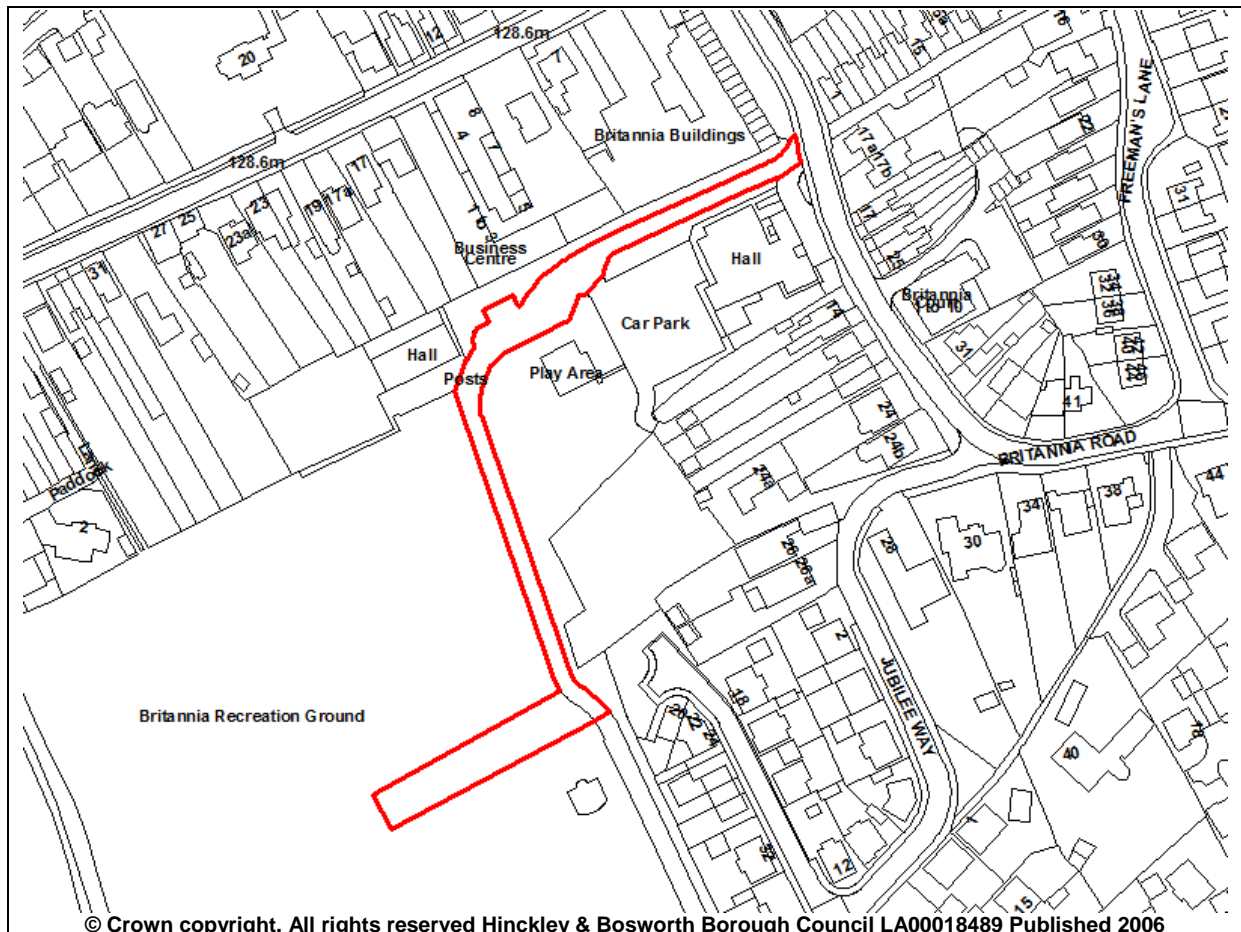


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01319/FUL
Applicant: Mrs Debbie Perry
Ward: Burbage Sketchley & Stretton

Site: Millennium Hall Britannia Road Burbage

Proposal: Erection of a new pavilion



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a new single storey sports pavilion on Britannia Road Recreation Ground, Burbage. The pavilion would be located between sports pitches on a narrow terrace and immediately to the south of an existing hedgerow that runs east to west across the site.

2.2. The proposed pavilion would measure approximately 31 metres in width x 6.3 metres in depth with an eaves height of 2.5 metres and a ridge height of

approximately 4 metres. It would provide 4 x changing rooms, each with 4 x showers, toilet facilities, 2 x officials changing rooms with separate toilet facilities and cleaner facilities. The proposed facilities would replace the existing changing facilities within the Millennium Hall and enable extensions and alterations to the Hall to be undertaken to enhance other facilities to the community.

- 2.3. The proposal is similar to a previously approved scheme (reference 12/00512/FUL) which has expired. A smaller extant scheme for 2 x changing rooms was also approved in 2016 (reference 16/00681/FUL).
- 2.4. A Design, Access & Planning Statement has been submitted to support the application.
- 2.5. Amended plans have been submitted to address internal floor plan layout issues raised by Sport England. Re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the west of Britannia Road. It comprises Burbage Millennium Hall which provides a community facility and offices for the Parish Council and also changing facilities for the outdoor sports pitches on the Britannia Road Recreation Ground which make up the majority of the site. There is a car parking area to the rear (west) of the Millennium Hall with a scout hut beyond adjacent to the northern boundary of the site. Ground levels fall towards the south.
- 3.2. The existing access to the site off Britannia Road is to the north of the Millennium Hall. The access runs along the northern boundary of the site, past the car parking area, to give access to the scout hut. It then extends to the south of the site to provide access to the sports pitches.
- 3.3. Britannia Road is predominantly residential with commercial properties clustered around the junction with Windsor Street. There are rear gardens to residential properties and commercial properties fronting Coventry Road to the north of the site, residential properties to the east and open countryside to the south and west of the site.

4. Relevant Planning History

12/00512/FUL	Extensions and alterations to Millennium Hall including the erection of a new pavilion	Permitted	26.09.2012
16/00681/FUL	Alterations and extensions to existing Parish Hall and erection of a new Pavilion	Permitted	09.11.2016

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.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objection has been received from:-
 - Environmental Health (Pollution)
 - Environmental Health (Drainage)
 - Street Scene Services (Waste)
- 6.2. No objection subject to conditions has been received from Leicestershire County Council (Archaeology).

- 6.3. Sport England raises no objection to the application but only subject to the imposition of a planning condition to require the proposed new changing room etc. facilities to be constructed in accordance with the submitted amended plans and being available for use prior to the existing changing facilities in the Millennium Hall being lost. If the condition is not imposed then Sport England would raise an objection to the application and in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.
- 6.4. At the time of writing this report no response has been received from Leicestershire & Rutland Playing Fields Association.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Burbage Neighbourhood Plan (BNP) 2015-2026 (Pre-Submission Draft)
- Burbage Village Design Statement (BVDS)
- Open Space and Recreation Study (2016)

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 on archaeology

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.

- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the emerging Burbage Neighbourhood Plan 2015 – 2026 (Pre-submission Draft).
- 8.4. Policies 4 and 19 of the adopted Core Strategy seek to address deficiencies in the quality, quantity and accessibility of green space and play provision for Burbage. The Open Space and Recreation Study (2016) awards Britannia Road Recreation Ground a quality score of 74%.
- 8.5. Policy DM25 of the adopted SADMP seeks to support the formation of new community facilities across the Borough, particularly where they are accessible by sustainable transport modes, and to resist the loss of existing facilities.
- 8.6. The application site is located outside the settlement boundary of Burbage where countryside Policy DM4 of the adopted SADMP applies. The site is also designated as an Open Space (ref. BUR45) within the adopted SADMP where Policy DM8 of the adopted SADMP applies.
- 8.7. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. However, the policy also considers that development in the countryside where it is for outdoor sport or recreation purposes (including ancillary buildings) can be sustainable subject to there being no significant adverse effect on the open character of the countryside and not undermining the physical and perceived separation and open character between settlements.
- 8.8. Policy DM8 of the adopted SADMP seeks to resist the loss of land or buildings in recreational or sporting use and areas of open space and encourages the enhancement of recreational sites.
- 8.9. The emerging Burbage Neighbourhood Plan (BNP) is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time. Policies 1 and 12 of the BNP seek to protect the open countryside but allow development for sport or recreation outside the settlement boundary. Policy 16 of the BNP seeks to protect existing formal parks, including the application site and supports enhancement of recreational facilities therein. Policy 20 of the BNP seeks to retain existing community facilities and supports the provision of new facilities to meet the needs of the community.
- 8.10. The application site lies outside the settlement boundary of Burbage but within a well established and designated open space/formal park that provides outdoor sports pitches and children's play areas as well as informal recreation. The associated Millennium Hall provides a wider range of community facilities including changing rooms for the outdoor sports pitches.
- 8.11. There is an extant planning permission for the provision of a new pavilion with only two changing rooms to replace existing facilities to be lost as a result of the intended and approved extensions and alterations to the Millennium Hall to enhance community facilities. The current proposal would provide a larger sports pavilion with four changing rooms and improved internal layout (to Sport England design specification approval) that would serve both the football and rugby teams that currently use the site. The new facilities provided by the proposed pavilion would greatly enhance the sport and recreational facilities available within the site as well as enabling improvements to the hall to enhance community facilities for wider public benefits.

- 8.12. On receipt of the amended plans, Sport England has confirmed that their original concerns have been addressed and that the proposed development can meet their Policy Exception E2. This requires that the proposed development is ancillary to the principal use of the site as playing fields and does not affect the quantity or quality of pitches or adversely affect their use. The removal of Sport England's holding objection is subject to the imposition of a condition to require the pavilion to be constructed in accordance with the approved plans and being available for use prior to the existing changing facilities in the Millennium Hall being lost. If the condition is not to be imposed then Sport England would raise an objection to the application and in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit. The agent has confirmed that there is no objection to the imposition of the condition as this would be compatible with the intended overall development programme for the site.
- 8.13. Notwithstanding the location of the sports pavilion outside the settlement boundary, it would be located within a designated open space for sport and recreation and would significantly enhance the existing facilities within the site as well as enabling wider community benefits to be provided within the Millennium Hall.
- 8.14. The proposal would therefore be in accordance with strategic Policies 4 and 19 of the adopted Core Strategy, Policies DM4, DM8, DM25 of the adopted SADMP and Policies 1, 12, 16 and 20 of the emerging Burbage Neighbourhood Plan.

Design and impact upon the character of the area

- 8.15. Policy DM4 of the adopted SADMP seeks to ensure that development would not result in any significant adverse effect on the open character of the countryside. 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, 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.
- 8.16. The pavilion would be visible from the open countryside to the south. However, it would be sited well within the boundaries of the recreation ground on a narrow terrace between two sports pitches and immediately to the south of an existing established hedgerow that runs east to west through the site. From the countryside the proposal would be viewed against a backdrop of built form to the north and east of the site. By virtue of the siting and the single storey low pitch roof design, the proposal would not appear isolated or be overly prominent within the surrounding countryside and the provision of a pavilion would complement the recreational character of the site. The proposed external materials are to match those used in the construction of the Millennium Hall to ensure a satisfactory and uniform appearance. A landscaping scheme is also proposed to supplement existing planting and soften the appearance of the development.
- 8.17. By virtue of the proposed siting, scale, design and appearance the proposal would not result in any significant adverse impacts on the character or appearance of the surrounding countryside and would complement the recreational character of the application site. The proposal would therefore be in accordance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.

- 8.19. There are residential properties bordering the north and east boundaries of the recreation ground. However, by virtue of the separation distance of approximately 27 metres to the nearest properties located to the east on Jubilee Way and the existing recreational public use of the site, it is considered that the use of the proposed pavilion would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring residential properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in this respect.

Impact upon highway safety

- 8.20. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.21. The proposed pavilion would replace existing changing facilities within the hall and therefore would be unlikely to result in any significant increase in traffic movements to and from the site that would result in any adverse impacts on highway safety. The Millennium Hall parking area provides 48 parking spaces (including 4 disabled spaces and 2 motor cycle spaces) along with cycle parking and is considered satisfactory to serve hall and proposed pavilion. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact on archaeology

- 8.22. Policies DM11 and DM13 of the adopted SADMP and Section 12 of the NPPF seek to protect and enhance the historic environment, including archaeology. Where proposals have the potential to impact a site of archaeological interest, an appropriate desk-based assessment and, where applicable, the results of a field evaluation and recording by an approved archaeological organisation will be required before development commences.
- 8.23. The proposed site for the new pavilion building is located within a larger area that has previously been subject to survey work which recorded a number of Roman coins, brooches and pottery finds, some of which are of particular significance. Previous archaeological investigations to the east of the site have revealed a network of enclosures and field ditches dating to the Roman period, and finds and features dating to prehistoric period have been recorded to the south. Therefore there is a likelihood that any below ground archaeological remains are likely to be relatively well preserved and close to the ground surface. Works associated with the new building including foundations, services and landscaping are likely to impact upon those remains.
- 8.24. To ensure that any archaeological remains present are dealt with appropriately, Leicestershire County Council (Archaeology) recommends the imposition of conditions to ensure that the applicant provides for an appropriate programme of archaeological works of investigation and recording to safeguard any potentially important archaeological remains present.
- 8.25. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.

- 8.26. The conditions are reasonable and necessary in this case to safeguard potentially important archaeological remains in accordance with Policies DM11 and DM13 of the adopted SADMP and Section 12 of the NPPF with particular reference to paragraph 141.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Local Plan and where relevant in neighbourhood plans unless material considerations indicate otherwise.

- 10.2. Notwithstanding the location of the proposed pavilion outside the settlement boundary of Burbage, it would be located within, and significantly enhance, the facilities of a designated open space for sport and recreation as well as enabling wider community benefits to be provided within the Millennium Hall.

- 10.3. By virtue of the proposed siting, scale, design and appearance the proposal would not result in any significant adverse impacts on the character or appearance of the surrounding countryside and would complement the recreational character of the application site. By virtue of the proposed use, siting and separation distances the proposal would not result in any significant adverse impacts on the residential amenity of any neighbouring occupiers and the site provides adequate access and parking provision such that there would be no significant adverse impacts on highway safety. Planning conditions can be imposed to safeguard any potentially important archaeological remains.

- 10.4. The proposal would provide significant public benefits and be in accordance with Policies 4 and 19 of the adopted Core Strategy, Policies DM4, DM8, DM10, DM11, DM13, DM17, DM18 and DM25 of the adopted SADMP. The proposal would therefore be a sustainable development in accordance with Policy DM1 of the adopted SADMP. The proposal would also be in accordance with Policies 1, 12, 16 and 20 of the emerging Burbage Neighbourhood Plan and the overarching principles of the NPPF. The proposal is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

11.3. **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 51 of 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:- Planning application form and Site Location Plan Drawing reference KP/BPC/6C received by the local planning authority on 15 February 2018; Site Plan Drawing reference KP/BPC/5C received by the local planning authority on 20 December 2017 and Proposed Site Plan, Site Section, Floor Plan and Elevations Drawing reference KP/BPC/9A received by the local planning authority on 25 January 2018.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM4, DM8 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall take place/commence until a programme of archaeological work (Strip, Plan and Record excavation) including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 12 of the National Planning Policy Framework (2012).

4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 12 of the National Planning Policy Framework (2012).

5. The pavilion hereby permitted shall be constructed in accordance with the approved Proposed Floor Plans and Elevations Drawing Ref. KP/BPC/9A received by the local planning authority on 25 January 2018 and the changing rooms and facilities therein shall be completed and available for use prior to any works taking place which would result in the loss of the existing changing room facilities in the Millennium Hall.

Reason: In order to maintain the continuity and availability of changing provision at the site to accord with Policies 4 and 19 of the adopted Core Strategy and Policies DM8 and DM25 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The materials to be used on the external elevations of the pavilion hereby permitted shall match the corresponding materials of the existing Millennium Hall.

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

7. The development hereby permitted shall be constructed in accordance with the proposed ground and finished floor levels detailed on the approved Proposed Site Plan and Site Section Drawing reference KP/BPC/09A received by the local planning authority on 25 January 2018.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details submitted on Proposed Site Plan Drawing reference KP/BPC/09A received by the local planning authority on 25 January 2018 and the approved Schedule of Landscaping document reference KP/BPC/L1. The soft landscaping scheme shall be implemented during the first appropriate planting season following completion of the pavilion and thereafter 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.

Reason: To enhance the appearance of the development and to ensure that the works are carried out in a reasonable period of time and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is

commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. If soakaway drainage proves impractical, alternative options such as discharge to ditches should be considered.

4. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, 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).