

**Reference:** 15/00887/FUL

**Applicant:** Mr K Akeredolu

**Location:** Leicester Road Football Club Leicester Road Hinckley

**Proposal:** Extension and first floor erection to east and west annexes to form additional function rooms

**RECOMMENDATION:-** Grant subject to conditions.

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has attracted interest from 5 or more addresses, the views of which are contrary to the officer recommendation.

**The proposal**

The proposal is to extend two existing single storey buildings. The building to the east of the main stand is currently a single storey building and accommodates the club house, disabled toilet and store. The footprint of this building will be extended to the south and west to provide a board room, function room and toilets on the ground floor and classroom on the first floor.

The building to the west of the main stand is currently single storey and accommodates toilets and a store. The proposal is to add a first floor to accommodate a new function room with toilets. An external staircase will provide access to the first floor.

**The site and surrounding area**

The site visit was undertaken on the 24/9/15. The site is an existing football club accessed from the B4668 Leicester Road. The site is located outside of Hinckley town and within the defined Green Wedge.

The site is to the west of Leicester Road and includes a stadium and associated stands along with changing facilities, a gym and lounge/bar facilities. The red line excludes two areas of land which are not within the ownership of the applicant.

The site is bounded to the east by the Leicester Road, north by the A47, west by grass football pitches and south by the Hinckley Town Cricket club ground. Mature hedgerows mark the north and south boundaries. The site is relatively level, but there is a grass slope which falls north to south adjacent to the southern elevation of the eastern single storey building that currently contains the club house.

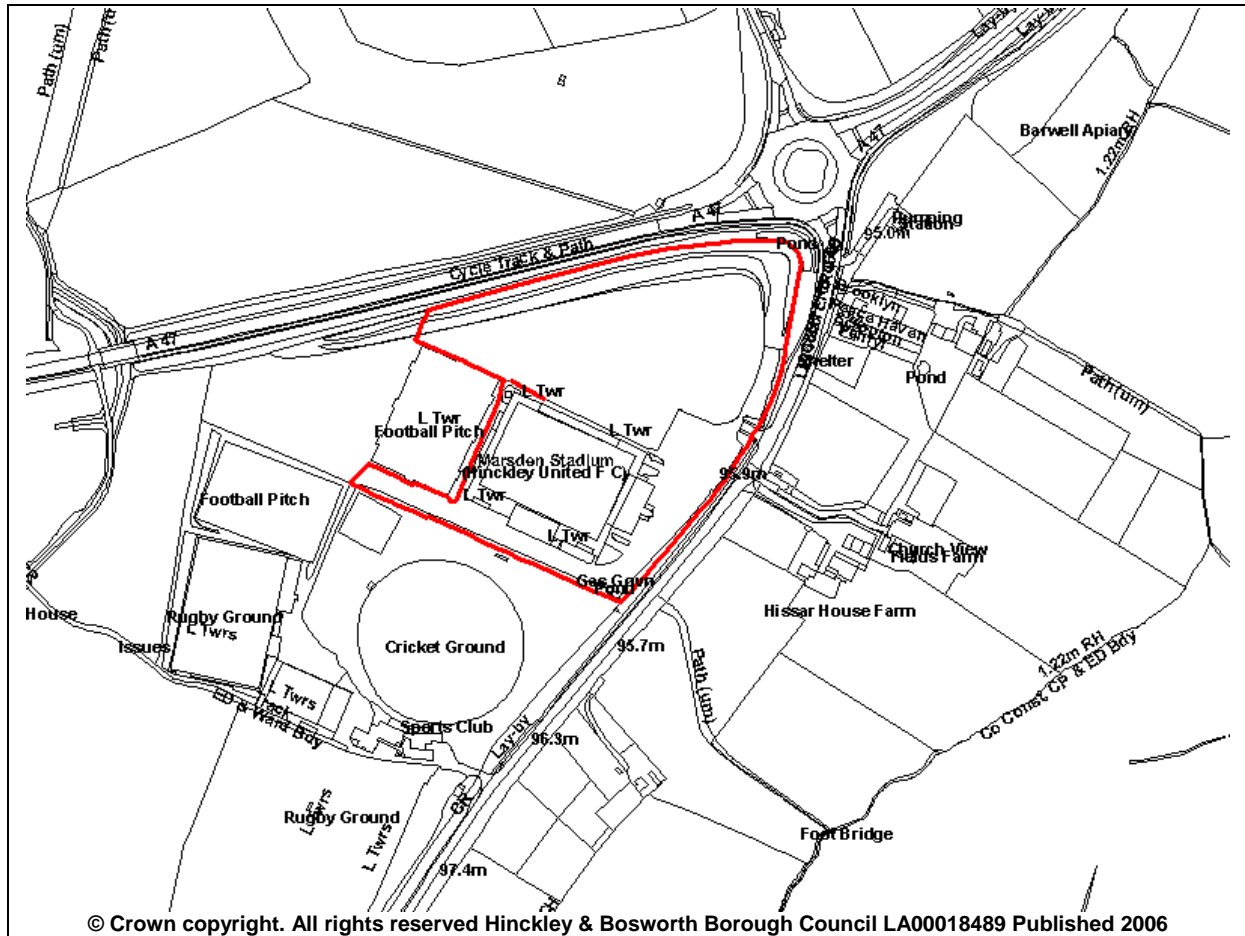
**Relevant Planning History**

02/00863/FUL	Change of use to football ground and erection of stadia and ancillary buildings including car parking	Approved	01.10.03
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**Constraints**

Policy NE3 Green Wedge

Tree Preservation Order 06/00015/TPROD - HIN189 Outdoor sports facilities.



### Consultations:-

LCC public rights of way - No comments received  
 Ramblers Association - No comments received  
 HBBC Drainage - No comments received  
 Barwell Parish Council - Noted, no comments.  
 Sport England - No objection.  
 LCC Highways - No objection, proposal will not lead to a significant increase in traffic.  
 HBBC Pollution - no objection, recommend condition regarding glazing to protect from noise.

### Other comments received:-

Mr Beasley (18/9/15) - objection on the grounds of (1) the applicants do not own parts of the ground they are applying for permission on, (2) there are already three function rooms operating on the site so there is no need to generate additional traffic, (3) granting permission would enable the applicant to claim ownership on other bits of land on the site.

Mr Stanborough (5/10/15) - raised comments regarding (1) the disputed legal ownership of the ground and whether former shareholders of the Hinckley United should have been consulted, (2) whether the footings of the existing buildings are sufficient to enable a first floor extension.

Mrs Jelfs (27/10/15, 6/11/15 and 14/11/15) - objection on the grounds of (1) the applicant has not served the required notices under Certificate B, (2) Not all 480 parking spaces in the red line are available to the applicant, this condition on the 02/00863/FUL permission have not

been discharged and the new fence that has been erected makes some of that parking no longer available, (3) the emergency access to the Rugby Club has been fenced off, contrary to the S106 and the special event strategy, (4) floorspace already available fulfils the needs for sporting and social functions, the new independent and competing D1 floorspace would be to the detriment of both highway and public safety.

Mr Biddle, United Exercise Ltd (2/11/15 and 9/11/15) - objection on the grounds of (1) parking provision limited outside the Downes building on an evening, (2) Volume of traffic on site is ridiculous and compounded by the new fence that has been erected and the overflow parking area that has been fenced off to the right of the main entrance.

Downes (4/11/15) - objection on the grounds of (1) the site does not comply with the car parking conditions on the original permission and rights of use of the parking area are limited to use of just 250 spaces, (2) the recently constructed fence denies emergency access which contravenes the original planning permission, (3) a Special Event Strategy has not been requested when over 1000 people attend the site, (4) There is no need for the new facilities.

### **Policy:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) 2012

#### Hinckley and Bosworth Core Strategy 2009

Policy 1: Development in Hinckley  
Policy 6: Hinckley/Barwell/Earl Shilton/ Burbage Green Wedge  
Policy 20: Green Infrastructure

#### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and siting of development  
Policy T5: Highway design and vehicle parking standards  
Policy REC4: Proposals for recreational facilities

Emerging Site Allocations & Development Management Policies Development Plan Document - Submission Document December 2014

DM8 Safeguarding open space, sport and recreational facilities

DM10 Development and Design

DM17:

DM18:

#### Other relevant guidance

LCC Highways 6 C's Guidance

### **Appraisal:-**

The main considerations in respect of this application are:-

- The principle of development
- Design and appearance
- Highway safety and parking
- Amenity impacts

- Other matters raised.

### Principle of Development

The site is an existing football club which was granted permission in 2003. The current stadium includes a main two-storey stand building with a gym on the ground floor, with lounge areas, boardroom and bar to the first floor.

Core Strategy policy 1 supports the development of new leisure facilities and sporting hub on land off the A47 in the vicinity of the football stadium. Core Strategy Policy 20 states that the Green Wedge will be maintained as an important environmental and landscape asset, whilst developing it as a large-scale recreational asset.

The site is located within the designated area of the green wedge that separates Hinckley from Barwell, Earl Shilton and Burbage. Policy 6 of the Core Strategy limits development within these areas to preserve the individual identity of the settlements and provide access from the settlements to green space. Within this area, uses will be encouraged that provide appropriate recreational facilities. Recreation use is an acceptable use in the Green Wedge and associated development 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.
- e. It is considered that the development would retain the function of and access to the green wedge and green networks. Visual appearance is considered later in this report.

Saved policy REC4 states that the LPA will grant planning permission for new recreational facilities provided certain criteria are met. As the facilities are not large scale, criteria (a) does not apply. The rights of way network will not be affected and the proposal does not adversely affect sites of ecological/geological or archaeological significance. The other criteria related to amenity impacts, design, parking, landscaping and are discussed later below.

The site is part of land allocated as HIN189 in the emerging SADMP. Emerging policy DM8 states that planning permission will not be granted for proposals resulting in the loss of land or buildings in recreational or sporting use, except in certain circumstances. As the proposal is to expand the facilities, it is not contrary to the policy.

The NPPF has a presumption in favour of sustainable development, which it defines as having three strands; environmental, social and economic.

The application seeks an extension to an existing building that is considered to support the other uses on the site, providing the social hub and income to sustain the club. Accordingly the use is considered to comply with the first part of Policy 6. The proposal seeks to improve the existing facilities to improve its financial viability. The proposal would create jobs during the construction of the building and improve the social facilities on the site. The proposal is considered to contribute to all three strands and therefore considered to be a form of sustainable development.

The principle of development is therefore considered to be acceptable and in accordance with the NPPF, and the first part of Policy 6 of the Core Strategy and policies 1 and 20, and emerging policy DM8.

## Design and Appearance

Policy BE1 criterion (a), requires development to be of a high standard of design that complements or enhances the character of the surrounding area. Policy BE1 (d) supports design features which reduce energy consumption. Policy 6, second criterion (d), states that proposals should retain the visual appearance of the area. Policy REC4(c) states new facilities should be of a form, scale and design in keeping with the area and do not detract from the area. Criterion (e) requires landscaping to be integral to the proposal.

The site consists of the main stadium and its buildings surrounded by car parking and other sports pitches. The site still has an open character with the stadium being the focal point for built development.

The two existing buildings to be extended are both detached linear structures, with a simple form and design. The eastern building will be extended to a larger degree and will be more visible due to its location closer to the Leicester Road. The extension will project forward (south) of the existing building so will become more prominent. However, the design is simple and in keeping with the design of the other stadium buildings. The car park elevation which was blank, will have greater interest with the addition of windows, doors and Juliet balconies at first floor level. The height is minimised by including a shallow mono-pitch roof.

The proposed extension of the western building is also of a simple design. No windows are proposed on the car park side (south) which extends the blank elevation to first floor level. However, the building has a very utilitarian appearance and the proposed addition of string course detailing is sufficient to make the elevation acceptable. The additional storey will add height to the development in this corner of the site, but the height is minimised by including a shallow mono-pitch roof. Both proposed extensions have Juliet balconies to the pitch side, which provide a connection with the pitch.

The proposed materials are buff concrete block to match the existing, with blue brick strong course, UPVC windows and doors and fibre cement roof. Solar panels are referred to, but no details have been submitted. Details can be secured by condition. As the site is existing, it is not considered necessary or reasonable to require additional landscaping measures.

With conditions to secure that the development is in accordance with the approved plans, and materials details to be submitted, the proposal is considered to comply with the relevant policies.

Emerging policy DM10 is proposed to replace policy BE1. The policy requires the design of development to meet certain criteria. Criteria include limited detriment to character and appearance of the host building and area, siting and design to respect character and layout, respect landscape setting and design, proportions and height respect the neighbouring structures and materials and fenestration respect the local area (criteria c, d, e, f, g, h). As discussed above, the proposal is considered to comply with this policy.

## Highway safety and parking

Local Plan policy T5 states that the LPA will apply the County highway design standards, and apply the parking targets as set out in the Local Plan. Emerging policy DM17 states that proposals should be in accordance with the highway design standards of the Highways Authority. Policy DM18 requires new development to provide an appropriate level of parking. Policy BE1 requires adequate visibility and parking and maneuvering. Policy REC4 requires adequate car parking and access and capacity on the local road network.

The approved site (02/00863/FUL) included 285 permanent parking spaces, plus 4 coach spaces and 200 overflow parking spaces. The application does not propose providing any further parking provision.

The site would utilise the existing access off Leicester Road. There is good visibility in both directions from this access point, and no objection to the proposal has been received from LCC Highways.

The County guidance states a parking requirement of one space per 22sqm floorspace is required for D2 uses, resulting in a requirement of 15 spaces for the approximately 340sqm proposed. Given the limited scale of the development and the current provision of parking spaces, it is not considered that the proposal will give rise to a significant additional parking requirement. LCC highways has not raised concerns regarding the need for further parking provision. It is not considered reasonable or necessary to require the laying out and marking of all parking spaces on site in relation to this application.

Therefore, it is considered that the proposal satisfies the relevant policies.

### Amenity impacts

Saved policy BE1 seeks to ensure a high standard of design and to safeguard and enhance the existing environment. The relevant amenity criteria are considered to be (c), (f) and (i). Criterion (c) states development should have regard to the safety and security of both individuals and property. Criterion (f) states that where the general public have access, regard should be had to the needs of wheelchair users and other people with disabilities. Criterion (i) states that development should not adversely affect the occupiers of neighbouring properties. Policy REC4 (b) requires the proposal to not have a detrimental impact upon adjacent uses or the amenity of adjacent residents.

Emerging policy DM10 is proposed to replace BE1. The policy requires that development does not have a significant adverse effect on the privacy and amenity of nearby residents or occupiers of adjacent buildings; criterion (a).

The adjacent land uses are recreational so there are no dwellings that will be affected. The original permission included conditions regarding sound insulation of the social club building, and restriction on no amplified sound system on the site without approval of details and hours of use. The proposed hours of use are 08:00 to 23:00 on all days. There is no objection to these hours from Environmental Health, and they have not recommended the development is restricted to these hours. Environmental Health has suggested a condition regarding the standard of glazing, to ensure no unacceptable noise impacts. This can be secured by condition. Existing level access is provided to the ground floor. Due to the simple design of the buildings, it is not considered reasonable to require disabled access by provision of internal lifts in both buildings.

### Other matters raised

#### Ownership of the site

The applicant is required to notify anyone with an interest in the application land, of the planning application. Comments have been received that question whether all relevant people have been notified. Notification is the responsibility of the applicant. The applicant was asked to respond to this issue and has confirmed that Certificate B of the application form has been served correctly. This is considered sufficient evidence for the Local Planning Authority to be able to proceed with the determination of the application.

No need for the additional function rooms

The need for the facilities proposed is not a relevant material consideration.

The footings of the existing building are insufficient for a first floor

This is not a material planning consideration and is a building control matter.

Emergency access to the Rugby Club has been blocked

This is an enforcement matter in relation to the existing permission and has been investigated and there is no breach of planning control. This is not relevant to the consideration of this application.

The fences that have been erected are blocking access to some car parking provision

This is an enforcement matter and has been investigated and there is no breach of planning control. This is not relevant to the consideration of this application.

A Special Event Strategy is required for events over 1000 people

The S106 legal agreement for the original permission did require a Special Event Strategy to cover events that would attract over 100 people. That legal agreement is not affected by this permission.

### Conclusion

The proposal is considered to be an acceptable use within the green wedge, preserving the open character of the area. The forms of the proposed extensions are considered to respect the design and appearance of the existing development and sufficient off street parking is provided. With the recommended conditions, the proposal is therefore considered to comply with the relevant Development Plan policies and emerging policies and is considered to be sustainable development supported by the NPPF.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

### **RECOMMENDATION:- Grant subject to conditions.**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

#### **Conditions:-**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans:- Location Plan 15-005-04A, Site Plan 15-005-05A, Plans and Elevations as Existing 15-005-01 and Plans and Elevations as Proposed Scheme Two 15-005-03B, received by the Local Planning Authority on 7 August 2015.
- 3 Prior to the commencement of the development hereby permitted, representative samples of the types and colours of materials to be used on the external surfaces of the proposed extensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

- 4 Prior to installation of the solar panels on the extensions hereby permitted, full details including make, size, colour and location shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall only be installed in accordance with the approved details.
- 5 Prior to the commencement of development hereby permitted, details of the glazing specification for the proposed new windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

**Reasons:-**

- 1 To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent the accumulation of unimplemented permissions.
- 2 For the avoidance of doubt and to secure a satisfactory form of development in accordance with policies BE1 and REC4 of the Hinckley & Bosworth Local Plan and emerging policy DM10 of Site Allocations and Development Management Policies Development Plan Document.
- 3 To ensure that the development has a satisfactory external appearance in accordance with policy BE1 of the Hinckley & Bosworth Local Plan and emerging policy DM10 of Site Allocations and Development Management Policies Development Plan Document.
- 4 To ensure that the development has a satisfactory external appearance in accordance with policy BE1 of the Hinckley & Bosworth Local Plan and emerging policy DM10 of Site Allocations and Development Management Policies Development Plan Document.
- 5 To ensure that the users and occupiers of neighbouring properties are not detrimentally impacted by noise in accordance with policies REC4(b) and BE1(i) of the Hinckley & Bosworth Local Plan and emerging policy DM10(a) of the Site Allocations and Development Management Policies Development Plan Document.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Susan Garbutt                      Ext 5970