

Change of use of land to recreation use including the formation of sport pitches, parking area, improved access and landscaping

Ashby Ivanhoe Football Club Lower Packington Road Ashby De La Zouch Leicestershire LE65 1TS

Report Item No
A2

Application Reference
22/01811/FULM

Grid Reference (E) 436019
Grid Reference (N) 315721

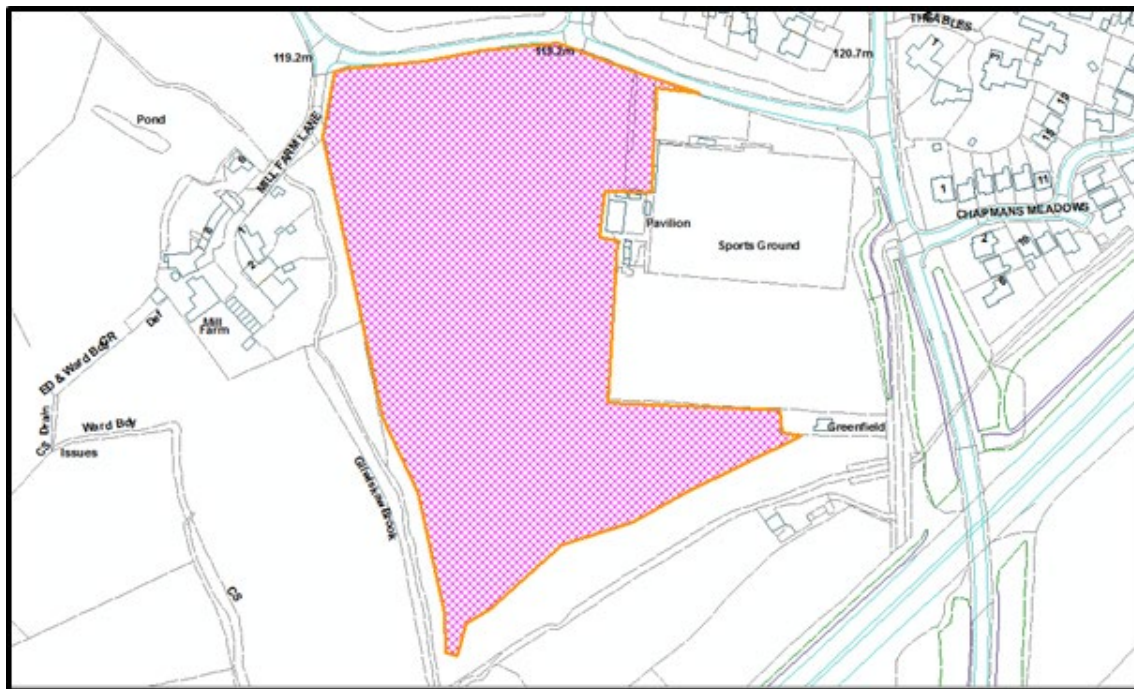
Date Registered:
25 January 2023
Consultation Expiry:
6 April 2023
8 Week Date:
26 April 2023
Extension of Time:
None Agreed

Applicant:
Ashby Ivanhoe Football Club CIC

Case Officer:
Donnella Wood

Recommendation: PERMIT

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

This application is brought to Planning Committee at the request of Councillor Bigby who is the Local Member for the neighbouring ward to that which this application sits. His reasons for the call in are as follows:

- The scheme will impact on the residential amenity of the closest occupiers of his ward to the site.
- Will impact on highway safety in his ward specifically in terms of traffic and parking
- Is unacceptable development in the countryside
- Will impact on the River Mease SAC

RECOMMENDATION - PERMIT, subject to the following condition(s):

1. Standard time limit
2. Plans – standard condition
3. Materials – In accordance with
4. Landscaping – details to be submitted
5. Boundary treatments – details to be submitted
6. Tree protection (Pre-commencement) - details to be submitted
7. National Forest Planting – details to be submitted to secure national forest planting including species mix and management of
8. Ecology appraisal (Pre-commencement) – details to be submitted including any mitigation
9. Biodiversity mitigation and enhancement (Pre-commencement) – details to be submitted
10. River Mease sustainable drainage system – standard River Mease soak away condition
11. River Mease protection during development – details to be submitted to protect the Mease during the construction phase
12. Ground conditions assessment/drainage details (Pre-commencement) as advised by Sport England and the LLFA.
13. Highways parking and turning - In accordance with
14. Highways visibility splays – to be provided
15. Highways surfacing
16. Lighting - no installation of lighting without express permission from the LPA
17. Levels – no change to site levels without express permission from the LPA
18. Use of site – in accordance with details within the application to ensure appropriate use

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use of land to recreation use including the formation of sport pitches, parking area, improved access, and landscaping at Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch.



Aerial view of the site

The application site is located to the southern side of Ashby on Lower Packington Road, and it is enclosed by post and rail fencing and low level hedgerow. The land at present is farmland which occasionally is used as a temporary car park. The land sits adjacent to the Ashby Ivanhoe Football Club clubhouse, car park and main existing pitch.

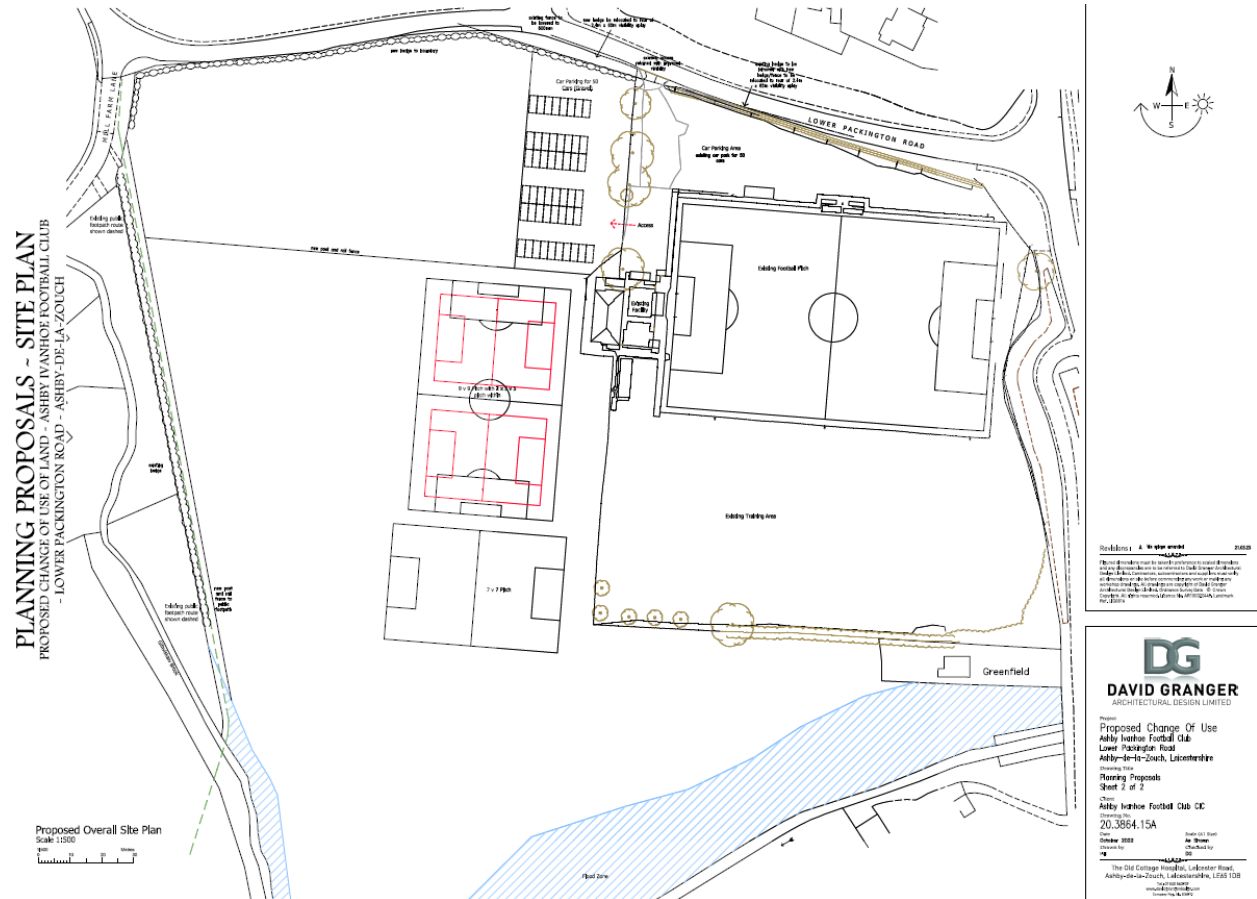
The site is located outside the Limits to Development, as defined by the adopted Local Plan and is sited close to the settlement limits of Ashby de la Zouch which is identified as a Key Service Centre. The site is located within the National Forest, and it has been identified as being within Flood Zone 1 as per the Flood Map for Planning (Rivers and Sea) published by the Environment Agency. The site additionally falls within the catchment area of the River Mease Special Area of Conservation.



View from Lower Packington Road

The proposal would allow for improvements to the existing access visibility splays, additional parking and overflow parking, new pitches of mixed sizes and enhanced landscaping.

The pitches would be formed of 2 no. 5 aside pitches suitable for the under 8's, 1 no. 7 aside pitch suitable for under 11's and 1 no. 9 aside pitch suitable for under 14's.



Site Plan

Precise details and measurements of the proposal are available to view on the submitted plans.

Relevant Planning History

- 14/00007/REFUSE - Residential development of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland planting), open space, amenity space and play areas, sustainable drainage systems/features, and new walking/cycling/recreational routes. Infrastructure to include highway and utilities and associated engineering works (including ground modelling) and vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than part access) – Application refused and dismissed at appeal on 28.10.2014
- 13/00694/OUTM Residential of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland planting), open space, amenity space and play areas, sustainable drainage systems/features, and new walking/cycling/recreational routes. Infrastructure to include highway and utilities and associated engineering works (including ground modelling) and vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than part access) – Refused on 14.01.2014

- 13/00720/FUL Installation of six no. 15.0 metre high floodlights to illuminate senior football pitch Permitted on 05.11.2013
- 15/00665/FUL Erection of 50 no. seat grand stand - Permitted on 27.08.2015

2. Publicity

36 Neighbours have been notified.
Site Notice displayed 1 February 2023.
Press Notice published Leicester Mercury 8 February 2023.

3. Summary of Consultations and Representations Received

Ashby de la Zouch Town Council - Raised objections as the site is outside the limits to development and on highway safety grounds.

Leicestershire County Council Highways – Advised conditions relating to parking, visibility splays and surfacing.

Leicestershire County Council Ecology – Advised conditions relating to the submission of ecological appraisals.

Leicestershire County Council LLFA – Advised conditions relating to site drainage.

NWLDC Environmental Protection - No objection.

NWLDC Tree Officer – Advised conditions relating to tree protection measures.

NWLDC Planning Policy – No objection.

Sport England – Advised conditions relating to ground conditions/site drainage and securing the use of the site.

Police Architectural Liaison Officer - No objection.

Natural England – Advised conditions relating to protecting the River Mease during the construction phase and implementing a sustainable drainage system.

The National Forest Company – Advised conditions relating to securing National Forest planting.

Environment Agency – No objection.

Third Party Representations

66 letters of representation have been received from surrounding neighbouring properties, including from the Packington Nook Residents' Association. 47 letters were received in support of the proposal with 19 raising objections.

All responses from statutory consultees and third parties are available to view in full via the Council website and only comments which raise material planning issues can be considered.

The comments raised are summarised as follows.

Letters of support supported the proposal for the following reasons:

Grounds of Support	Description
Highways	Current parking issues affecting residents will be resolved from the extra parking
	Trials of the parking area successful in reducing parking issues
	Additional parking is welcomed to reduce the highways issues for the neighbouring estates
	Youth teams play during different times so traffic would be spread out
	Plans are being overlooked, parking will be controlled and monitored reducing potential accidents
Sport provision	Shortage of grass pitches in the wider area
	Proposal will allow players to play from home and enable parents and spectators' opportunities to watch them
	Town expanding rapidly, need to accommodate this with appropriate provision
	Club provides exercise for 400 children
	Exercise/team activities results in health benefits, mental and physical as well as benefits to social skills, life skills and wellbeing
	Should be encouraging more adults and children into physical activity
	Increased demand for football facilities from new houses, new clubs and the increased popularity of the sport especially from girls
	Current place used for home games has no facilities
	Club is inclusive, has a development school for children who have previously struggled to get into teams
	Club has had a positive impact on many young lives encouraging confidence and teamwork
	Proposal will open up more opportunities for children to keep fit
	Encourages fitness and exercise. Club at present turning children away due to lack of facilities
	Children struggling to find teams in the area due to a lack of facilities
	Need to encourage children to participate in sport safely locally
	Broadening the availability of grassroots football

PLANNING APPLICATIONS- SECTION A

	Gives the opportunity for those from all walks of life to get involved in football
Neighbour amenity impacts	Little noise with junior football
	Noise not any worse than other events held and football matches are shorter duration
Other	Good for the community of Ashby and encourages community spirit
	Brings the community together
	Cultural benefits
	The club is an established asset to the community
	Impressive vision for the people of Ashby to be proud of
	Supports in principle but recommends conditions relating to boundary treatments, lighting, landscaping, advertising, lighting, and parking
	Residents who are objecting are doing so to something that will benefit them, the club cannot win and those objecting just don't want a football club on the site
	Any cons are outweighed by the many pros
	Keeps kids off the streets causing trouble
	Club is a huge supporter of the local area with many local sponsorships.
	Club plays a part in building long standing friendships
	Economic benefits for the town
	The development is an improvement over houses on the site
	Benefits to children need to be taken onboard over political games
	Application has support from the majority consultees
	There is a conflict of interest from Councillor who has their own football club and the Ashby Town Council
	Town council should be promoting less journeys to neighbouring areas for use of the pitches for environmental reasons
	Club was established long before surrounding houses were built
	Club is 75 this year, shows its longevity. It is led by a strong management team from a variety of professional backgrounds
	With no youth club in the town the football club gives purpose to so many

Letters of objection objected on the following grounds:

Grounds of objection	Description of impact
Highways	Parking concerns
	Congestion/traffic issues
	Existing highways issues would be worsened
	Pedestrian safety risks
	Access issues
Design and Character	Area is countryside, development is not appropriate in this location
	Impact of the proposal on the landscape
Neighbour amenity impacts	Noise impacts and existing concerns raised to the Council and club have gone unheard
	Residents are already negatively affected by events held at the club especially in the summer months
	Visitors to the club have no regard for residents, they block drives, litter are noisy and have been threatening
	Anti-social behaviour concerns
Other	Conflicts with Neighbourhood Plan Policies S3 and S4.
	Conflicts with Policy S3 of the Local Plan
	Impact on the River Mease
	Missing/inaccurate information within the application
	Environmental concerns
	Previous applications at the site refused at appeal
	Club should utilise existing pitches elsewhere

4. Relevant Planning Policy

National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8, 11 (Achieving sustainable development)

Paragraph 93 (Promoting healthy and safe communities);

Paragraphs 109 (Promoting sustainable transport);

Paragraphs 124, 127 (Requiring good design);

Paragraphs 55, 56 (Planning conditions and obligations);

Paragraphs 117, 118 and 122 (Making effective use of land)

Paragraphs 148, 150, 153 and 163 (Meeting the challenge of climate change)

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S2 - Settlement Hierarchy

S3 - Countryside

D1 - Design of New Development

D2 - Amenity

IF1 - Development and Infrastructure

IF2 - Community and Cultural Facilities

IF3 - Open Space, Sports, and Recreation Facilities

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

En1 - Nature Conservation

En3 - The National Forest

Cc2 - Water - Flood Risk

Cc3 - Sustainable Drainage Systems

Adopted Ashby Neighbourhood Plan (2018)

The Ashby Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy S1 - Presumption in favour of sustainable development

Policy S3 - Development Proposals Outside of the Limits to Development

Policy S4 - Design

Policy NE4 - Biodiversity

Policy NE5 - Trees and Hedgerows

Other Policies/Guidance

Planning Practice Guidance.

Leicestershire Highways Design Guide (Leicestershire County Council).

Good Design for North West Leicestershire SPD - April 2017.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

River Mease Water Quality Management Plan - August 2011.

The River Mease Developer Contributions Scheme (DCS1 & 2).

National Forest Strategy 2014-2024.

Natural England - Advice for development proposals with the potential to affect water quality.

National Design Guide - October 2019.

Sport England – Planning for Sport Guidance – June 2019.

Building for a Healthy Life (BHL) - June 2020.

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

This proposal is for the change of use of land to recreation use including the formation of sport pitches, parking area, improved access, and landscaping. One of the core principles of the NPPF is sustainability and applications to secure sustainable economic growth should be treated favourably.

The application site lies outside the Limits to Development and would therefore fall to be considered against Policy S3 of the Local Plan.

Policy S3(i) supports the *"Expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings"* and *development as it relates to recreation and tourism* S3(n).

The application proposal would therefore constitute a form of development permitted in the countryside under Policy S3.

Policy S3 states that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

For the reasons discussed later in this report, it is considered that the appearance and character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.

(iii) It does not create or exacerbate ribbon development.

The proposed development would utilise land adjacent to an established football club, it would not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) Built development is well integrated with existing development and existing buildings, including the reuse of existing buildings, where appropriate.

As the proposal would form part of an existing football club and be reliant upon the host development, it is considered the proposed development would be well related to existing development within the immediate vicinity.

(v) The development will not seriously undermine the vitality and viability of existing town and local centres.

Given that the proposal would result in a use typically associated with open space it is not considered the proposal would seriously undermine the vitality and viability of existing town and local centres.

(vi) The proposed development is accessible or will be made accessible, by a range of sustainable transport.

The site is served by public transport with bus stops approximately 125m from the site entrance and due to the nature of the proposal and its location close to the settlement limits of Ashby de la Zouch which is identified as a Key Service Centre and proximity of the club from neighbouring streets, it is considered visitors could walk or cycle to the site as such, more sustainable modes of transport are an option.

Given the above, the proposal is not considered to conflict with Policy S3 of the Local Plan.

Policy S3 of the adopted Ashby Neighbourhood Plan (2018) advises land outside the defined Limits to Development will be treated as countryside, where development will be carefully controlled in line with local and national strategic planning policies. In all cases, where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials.

Given the previous assessment, the proposal is not considered to conflict with Policy S3 of the Ashby Neighbourhood Plan.

Assessment of the objections received in relation to compliance with Policy S3 of the adopted North West Leicester Local Plan and Policy S3 of the adopted Ashby Neighbourhood Plan

Objection	Response
The proposal conflicts with Policy S3 of the Local Plan and Policy S3 of the Neighbourhood Plan.	See above assessment. This concludes that the proposal would not conflict with Policies S3 of the Local and Neighbourhood Plans.

With regard to Policy S3(n) development as it relates to recreation and tourism which is supported under Policy S3 subject to the criteria as outlined above the adopted Local Plan advises on recreation that it is important that local communities have access to high quality open spaces and opportunities for sport and recreation as this makes an important contribution to the health and well-being of communities advising open space can provide for a range of

users and uses, and can comprise for example, parks and gardens, informal recreation areas, outdoor sports facilities, and equipped play areas and allotments, it is therefore important to both protect our existing open spaces and sport and recreational facilities but to also improve provision, either through new or enhanced facilities.

Specifically on recreation the Ashby Neighbourhood Plan states it is important that any open space, sport and recreational provision and associated infrastructure is designed and provided to encourage all age groups to take part in recreation and exercise.

Building for a Healthy Life (BHL) acknowledges that improving the health of local communities requires greater action, and promotes development that offers social, leisure and recreational opportunities a short walk or cycle from their homes.

Paragraph 92 of the National Planning Policy Framework (NPPF) states planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles and social interaction, especially where this would address identified local health and well-being needs - for example through the provision of sports facilities.

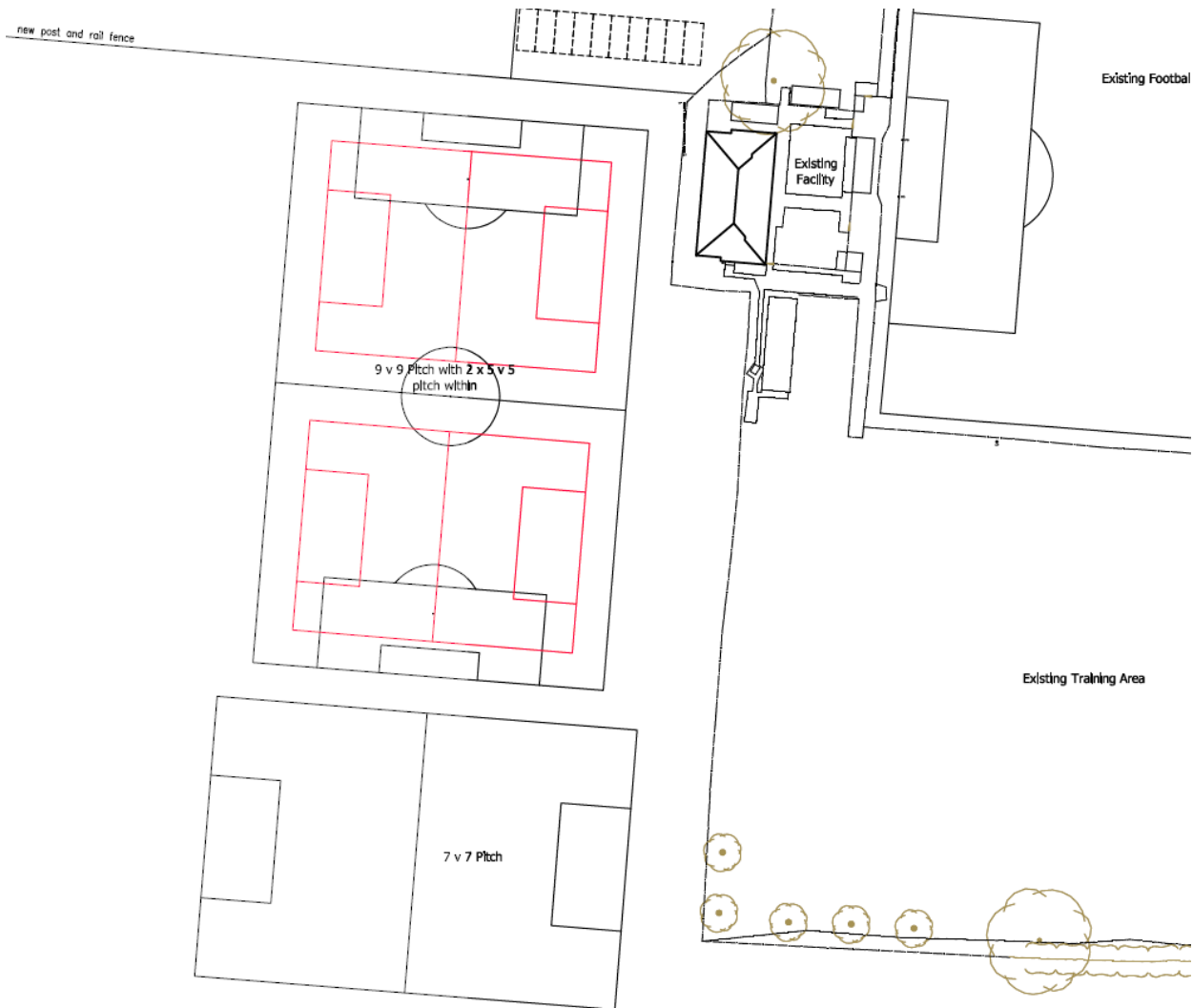
Sport England Planning for Sport Guidance (2019) provides guidance on how the planning system can help to provide opportunities for all to take part in sport and be physically active urging planning authorities to recognise and give significant weight to the benefits of sport and physical activity and to be supportive of improvements to existing provision which meets identified needs and encourages use by under-represented groups.

In summary, the scheme would comply with Policies within the adopted Local Plan, the Neighbourhood Plan and given the undeniable benefits to physical and mental health, wellbeing and social interactions the establishment provides, it is considered that the improvements proposed to the football club would contribute to the local community and is essential to encouraging and maintaining healthy lifestyles in accordance with the advice contained within the NPPF, the adopted Ashby Neighbourhood Plan, Sport England Planning for Sport Guidance and BHL. Therefore, the principle of the development is considered to be acceptable, subject to all other planning matters being addressed.

Design and Impact upon Character

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. Policy S3 requires that where development is acceptable in principle, the appearance and character of the landscape, and local distinctiveness is safeguarded and enhanced. Policy S3 of the Adopted Ashby Neighbourhood Plan (2018) advises where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials.

Planning permission is sought for the change of use of land to recreation use including the formation of sport pitches, gravelled parking area, improved access and landscaping. The land levels to the site are largely flat and it is enclosed by post and rail fencing with hedgerow.



Proposed pitches in relation to the existing club facilities

The parcel of land at present is farmland which occasionally is used as a temporary car park by the club and whilst the site is within the countryside in planning policy terms, the visual context of the site is defined by its location close to the built up area to the edge of the defined limits to development with neighbouring properties to the north and east of the site as well as the existing club and sporting infrastructure directly adjacent to the parcel of land. To the west of the site the Public Right of Way (PROW) Footpath O17 runs adjacent to the land which features mature hedgerow providing a level of screening with a new post and rail fence proposed to further strengthen the boundary. To the south of the site additional mature hedgerow provides suitable screening. Low level hedgerow with post and rail fencing forms the northern boundary however, new hedgerow is further proposed which would enhance the screening of the site from within Lower Packington Road.

Having regard for the scale of the proposal which would largely result in grass pitches leaving the wider site to remain undeveloped and the existing site context as described above it is not considered that the proposal would erode the character and appearance of the countryside as required by Policy S3 of the adopted North West Leicester Local Plan and Policy S3 of the adopted Ashby Neighbourhood Plan. Further, given the existing screening to the site from the

established planting in addition to the proposed landscaping enhancements it is not considered the proposal would be significantly detrimental upon users viewing the from the adjacent PROW and highway.

Given the above, on balance, subject to conditions securing suitable boundary treatments and a landscaping scheme, the proposal is not considered to result in harm to the site itself nor would it be visually harmful to the character and appearance of the surrounding area. The proposal is considered to be compliant with Policy D1 of the Local Plan, Policy S4 of the Ashby Neighbourhood Development Plan and the advice contained within the NPPF.

Assessment of the objections received in relation to Design and Impact upon Character

Objection	Response
Area is countryside, development is not appropriate in this location	See above assessment. It is not considered this would be to levels to warrant the refusal of the application when considered alongside the agreement to suitably worded conditions securing landscaping and boundary treatments.
Impact of the proposal on the landscape	See above assessment. It is not considered this would be to levels to warrant the refusal of the application when considered alongside the agreement to suitably worded conditions.

Impact upon residential amenity

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Policy S4 of the Adopted Ashby Neighbourhood Plan (2018) requires that proposals should minimise the impact on general amenity and give careful consideration to noise, odour, light and loss of light to existing properties.

During the course of the application neighbouring properties both overwhelmingly raised both support and objections to the development raising a number of matters as summarised within the third party letters of representation section. The representations are available to read in full via the Council website and only material planning considerations can be considered during the determination of the application. Consideration has been given to the impacts of the proposal on neighbouring properties.

The area is densely packed with neighbouring properties varying distances from the proposal with the majority of the neighbouring occupiers living within the streets to the north and east of the site. Due to the nature of the development, it is not considered that the proposal would result in any unacceptable amenity impacts to neighbouring dwellings when having regard to overshadowing, overbearing or overlooking impacts

With regard to the proposed use, it is not considered that the relatively modest intensification of the use of the land adjacent to an existing and established football club would result in an unacceptable increase in noise, disturbance or anti-social behaviour over and above that of the existing host site which could warrant a refusal of planning permission and neighbouring properties are sufficiently distanced from the development to not be adversely impacted over and above the impacts from the existing club activities.

The Council's Environmental Protection Team were consulted on this application who confirmed they had no objections to the development.

Whilst neighbouring properties have raised concerns relating to noise impacts, due to the scale of the proposal and when having regard to the wider use of the site and following no concerns raised by the Council's Environmental Protection Team it is not considered that any specific noise mitigation conditions are required or that a refusal on these grounds could be substantiated.

Matters relating to excessive noise and disturbance are not covered by the planning system and are covered by the Environmental Protection Act. If the occupiers of the neighbouring properties to the site believe the noise/disturbance from the development becomes a statutory nuisance above permitted levels, they can raise their concerns with the Council's Environmental Protection Team who would investigate the matter under the relevant legislation. Matters such as antisocial behaviour or users of the site blocking driveways are not matters that can be considered under the planning system and these are matters enforced by the Police.

Sport England Planning for Sport Guidance (2019) provides guidance on how the planning system can help to provide opportunities for all to take part in sport and be physically active urging planning authorities to recognise and give significant weight to the benefits of sport and physical activity and to be supportive of improvements to existing provision which meets identified needs and encourages use by under-represented groups. The guidance calls on planning authorities to protect and promote existing sport and physical activity provision ensuring that new development does not prejudice its use and to support the provision of new or enhanced sport and physical activity provision unless it can be clearly demonstrated that they would have unacceptable impacts on amenity which cannot be addressed through mitigation measures.

On balance it is not considered that the proposal would result in any unacceptable amenity impacts which could warrant a refusal of permission. In view of the above the proposal is considered to be acceptable in relation to Policy D2 of the Local Plan, Policy S4 of the Ashby de la Zouch Neighbourhood Development Plan, the Council's Good Design SPD and the advice contained within the NPPF.

Assessment of objections received in relation to residential amenity

Objection	Response
Concerns regarding noise and disturbance	See above assessment. It is noted throughout the course of the application that both concerns and support were raised regarding potential noise impacts from the development with objectors advising impacts are already significant and supporters arguing the nature of the development would result in low level noise. The NWLDC Environmental Protection Team were consulted on the application who concluded no objection to the proposal advising the proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance. As such a refusal of planning permission on such grounds could not be substantiated. Residents are advised to contact the Environmental Protection Team as outlined in the

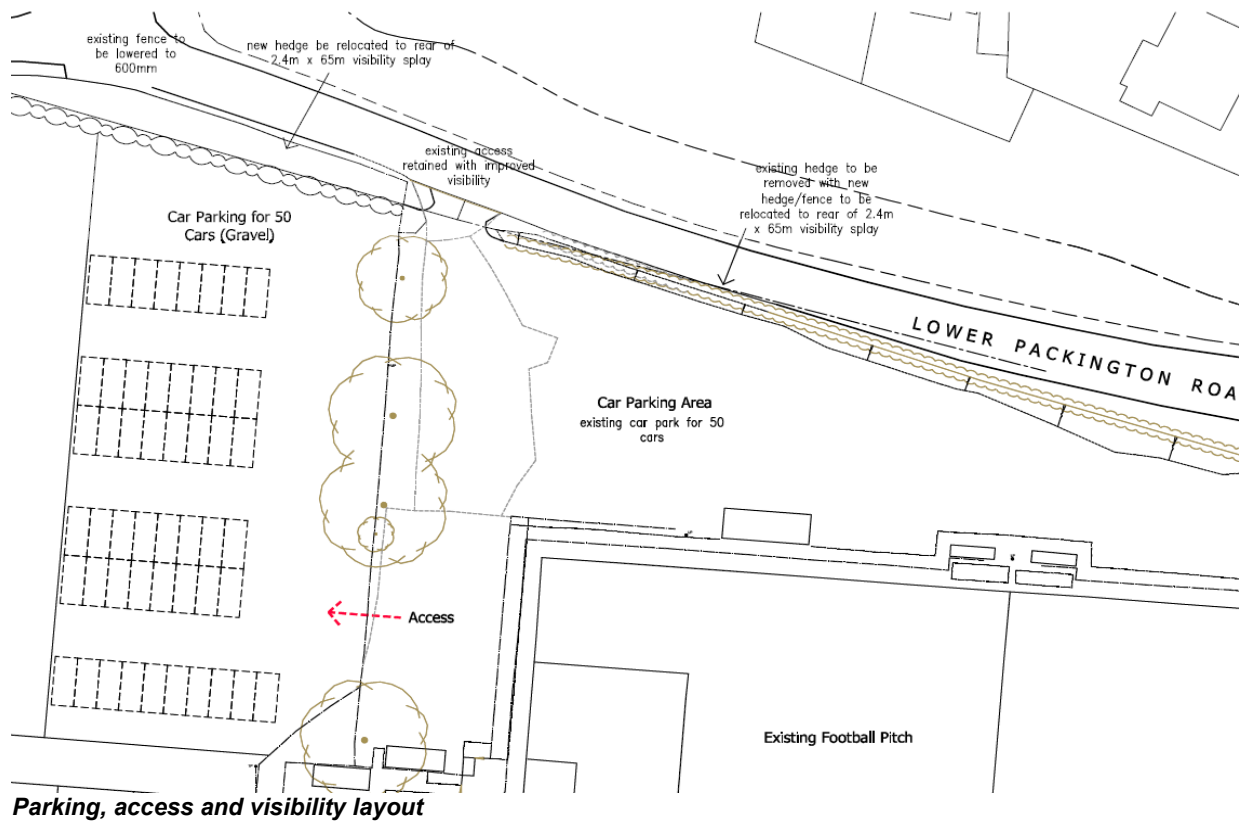
	assessment above should they consider noise impacts warrant further investigation from the Council. Antisocial behaviour as explained earlier is a matter for the Police to resolve should it happen.
Concerns regarding additional residential amenity impacts	See above assessment. It has been concluded that the relatively modest intensification of the use of the land adjacent to an existing and established football club would result in an unacceptable increase in neighbour amenity impacts over and above that of the existing host site which could warrant a refusal of planning permission on these grounds particularly given the Environmental Protection Team raised no objection to the proposal.

Highway Considerations

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment. Policy S4 of the Adopted Ashby Neighbourhood Plan (2018) requires adequate off road parking to be provided to ensure highway safety and to enhance the street scene in line with Leicestershire County Council standards.

The NPPF states 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.

The land at present is farm land sited on Lower Packington Road a classified C road subject to a 30 MPH speed limit. The works would include visibility splays, improvements to the existing access and additional parking to the site.



A number of third party letters of objection were received from neighbouring properties citing concerns relating to highways matters. Letters of support from neighbouring properties were also received who considered that the proposals would help alleviate existing highways concerns.

The County Highway Authority (LHA) were consulted on the application who initially requested amended plans which would provide further details in relation to visibility splays, surfacing and trip generation. Following the receipt of amended plans the LHA advised that the proposal is acceptable confirming in their view the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

The LHA advised that the applicant had previously demonstrated visibility splays of 2.4m x 43m, which would be appropriate for 85th percentile speeds of 26-30mph in accordance with Table DG4 of Part 3 of the Leicestershire Highway Design Guide (LHDG) and the previously proposed visibility splays of 2.4m x 43m would have been an improvement compared to the existing visibility splays at the site access. However, the LHA engaged with the applicant's Planning Agent and agreed that splays of 2.4m x 65m would negate the need for a speed survey in this instance which is based on the extant permitted use of the access, likely 85th percentile speeds and the submitted details relating to trip generation. The LHA confirmed they are now satisfied that suitable visibility splays have been demonstrated.

Regarding trip generation the LHA advised following confirmation that the pitches would serve the existing club with no additional training sessions proposed, though concerns have been raised regarding potential future aspirations of the club, which could affect trip generation, it is

understood that the development proposals subject to this application, would not result in any additional trip generation.

The LHA made additional comments on the internal layout after initially requesting further information in relation to the demarcation of parking spaces, details of the proposed surfacing within the site and whether coach parking would be provided. The LHA advised that the revised details state the proposed parking area would be surfaced in gravel and whilst this is acceptable, the precise extents of the proposed gravel surface is unclear, and as such a suitable condition was recommended to ensure that the additional gravel surfacing does not result in loose aggregate being deposited onto the public highway.

The overflow parking area for use at busy times would be accessed through the car park extension allowing for the existing field access near Mill Farm Lane to be blocked up by hedging which was welcomed by the LHA.

Regarding coaches, it has been confirmed that coaches would continue to use the existing parking area. In addition, car parking attendants would be in place to manage internal movements throughout the site which the LHA confirmed would be an appropriate approach though they further advised a car park management plan would assist with managing parking, particularly for match days and tournaments but they did not consider that it would be reasonable to seek to secure this by way of planning condition on the basis that the development proposal is not anticipated to generate any additional trips.

The LHA confirmed subject to conditions the development is acceptable and whilst the concerns residents raised in respect of the existing and proposed development and the impact it has on highway matters, given that the LHA raised no objection to the proposal a refusal on highway safety grounds could not be substantiated.

Given the above, subject to conditions the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the Local Plan, Policy S4 of the Ashby Neighbourhood Development Plan as well as the Leicestershire Highways Design Guide.

Assessment of objections received in relation to highway safety and parking

Objection	Response
Concerns regarding the ongoing parking issues which would be worsened because of the development.	See above assessment. It is noted throughout the course of the application that both concerns and support was raised regarding the ongoing parking issues and the proposals to alleviate the issues with the club having already trialled additional parking to the site which supporters have advised have been a success. The CHA was consulted on the application who concluded the parking proposal would be acceptable as such a refusal of planning permission on parking grounds could not be substantiated. The parking would be secured by way of a condition.
Concerns regarding ongoing traffic and congestion issues which would be worsened	See above assessment. Given the submitted information regarding trip generation and

because of the development.	following the assessment by the CHA who concluded the proposal would not result in any additional trip generation, it isn't considered any additional impact could warrant a refusal of planning permission.
Concerns regarding pedestrian safety	The CHA is satisfied the proposal would not result in risks to pedestrian safety and appropriate visibility splays can be achieved. The visibility splays would be secured by way of a condition.
Additional highways related concerns.	Whilst the highways concerns are noted and understood by the LPA given the lack of objection from County Highways a refusal on highway safety grounds could not be substantiated.

Ecology, Impact on Trees and the National Forest

Policy En1 of the adopted Local Plan states that proposals for development would be supported which conserve, restore, or enhance the biodiversity in the district. This is supported by paragraph 179 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Policy S4 of the Adopted Ashby Neighbourhood Plan (2018) advises proposals that conserve or enhance the network of important local biodiversity features and habitats (such as hedgerows, treelines and water courses, including the River Mease) will be supported adding that proposals should promote preservation, restoration and creation of high quality habitats especially to support local wildlife sites, local priority habitats and the National Forest Project.

The County Ecologist was consulted as part of the application and raised concerns that not enough information was provided during the submission. As such, the Ecologist considers that the missing details can be successfully received through planning conditions which could be assessed and agreed prior to the commencement of any development within the site. Based on the existing use of the site which is temporarily used as additional parking and given that hedgerows would largely be retained except for a small section to the site entrance and the proposal would not result in any demolition, the use of conditions to secure further assessments is considered suitable and meets the tests for the use of conditions.

Regarding biodiversity net gain (BNG), whilst the mandatory requirement for 10 percent BNG has not yet been enacted through the Environment Bill (expected at some point in November 2023), paragraph 174(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. Paragraph 180 of the NPPF states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. In this particular case, it is considered reasonable to secure biodiversity net gain via a planning condition.

The NWLDC Tree Officer was consulted on the application who confirmed they had no objection to the proposal given the majority of the hedgerow would be retained and that whilst part of the new gravel parking area is within the root protection area (RPA) for the line of trees on the existing football club site boundary a suitably worded condition would be acceptable to ensure any impacts to trees would be mitigated.

In terms of National Forest planting, the National Forest Company (NFC) were consulted on the application who confirmed in accordance with Policy En3, the NFC would be expecting the inclusion of National Forest planting within the site, and with a site area of 3.9hectares, this planting should amount to 0.78hectares of the site. They further added, while they would usually request the applicant demonstrates on a plan that the planting requirement can be met, in this case due to the nature of the application and that there appears to be sufficient space on site to accommodate the National Forest planting requirement, a condition could be used. This condition would secure 0.78hectares of the site to be National Forest planting in accordance with the National Forest Planting Guidelines with the full details of the woodland planting (including species mix, sizes and density) and management details to be submitted for agreement.

As such, subject to conditions it is therefore considered that the proposal would contribute positively to its setting within the National Forest and meets the requirements of the Habitats Regulations 2017 in respect of protected species and would also comply with adopted Policies En1 and En3 of the Local Plan, Policies NE4 and NE5 of the Adopted Ashby Neighbourhood Plan and Paragraph 179 of the NPPF.

Assessment of objections received in relation to environmental concerns

Objection	Response
Concerns regarding the potential for environmental impacts	See above assessment. Pre-commencement conditions relating to ecology and trees would be secured to ensure the proposal would not result in ecological harm and appropriate mitigation/protection measures would be in place.

Flood Risk and Surface Water Drainage

The site is within Flood Zone 1 with part of the site at a low risk of surface water flooding as defined by the Environment Agency's Surface Water Flood Maps. Whilst the proposal would result in the formation of additional surfacing which could increase flood risk to the site, the surfacing would be in a permeable material which would be secured by a condition to any permission granted and additionally, the site would be subject to both a soakaway condition and a condition for the submission of details relating to ground conditions including drainage, as recommended by Sport England as such it is therefore considered that the proposed development would not result in a significant increased surface water flood risk on site or elsewhere.

The Environment Agency additionally confirmed no objection to the proposal and whilst initially the LLFA requested further information to be submitted during the application it has been agreed subject to the imposition of the condition as recommended by Sport England that the LLFA have no objection.

As such subject to conditions, it is considered the proposal would comply with Policies Cc2 and Cc3 of the Local Plan, Policy NE4 of the Ashby Neighbourhood Development Plan and the advice contained within the NPPF.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) - Habitats Regulations Assessment (HRA)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major

contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

The proposal could result in an impact on the SAC, which may undermine the conservation objectives as it may result in the additional discharge of foul drainage to the treatment works / use of a non-mains drainage system and surface water drainage discharge.

Natural England recently issued updated advice regarding nutrients in the River Mease catchment, dated 16th March 2022, which supersedes their previous advice. Amongst other things, the advice outlines that development which would not give rise to additional overnight stays within the catchment does not need to be considered in terms of any nutrient input, except in exceptional circumstances. This is a result of a likelihood that those using the development live locally, within the catchment, and thus their nutrient contributions are already accounted for within the background.

The proposal would not lead to additional foul drainage discharge from the site; therefore it is not considered to result in any unacceptable impact on the integrity of the River Mease SAC.

It is considered that the scheme would lead to an increase in surface water run-off, over and above that of the existing arrangement. As such it is considered reasonable to attach a soakaway condition in this instance. Additionally, to further safeguard the River Mease from the risk for sediment mobilisation during the construction phase Natural England recommended a condition which would require suitable measures to be taken to prevent excessive sediment entering the River. Natural England further advised that during the operational phase they do not consider the development likely to cause a significant effect on the River Mease SAC.

Therefore on this basis, subject to appropriate conditions, it is considered that the integrity of the River Mease SAC would be preserved and it can be ascertained that the proposal would, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF, Policies En2 and Cc3 of the Local Plan and Policy NE4 of the Ashby Neighbourhood Development Plan which commits the District Council to work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease and ensure it does not come under harm from development proposals setting out measures to achieve this.

Assessment of the objections received in relation to the River Mease.

Objection	Response
Proposal would result in harm to the River Mease	See above assessment. Natural England were consulted on the application, and they confirmed there were no objections based on the provided information subject to appropriate conditions.

Conclusion

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan.

The principle of the development is acceptable. Subject to appropriate conditions, the proposal is not considered to have any significant detrimental design, residential amenity, flooding, ecology or highway safety impacts and would not adversely impact the River Mease SAC. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the Ashby Neighbourhood Development Plan, the Council's Good Design SPD and the advice contained in the NPPF. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.