

Works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway

Report Item No
A1

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

Application Reference
23/01108/FUL

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

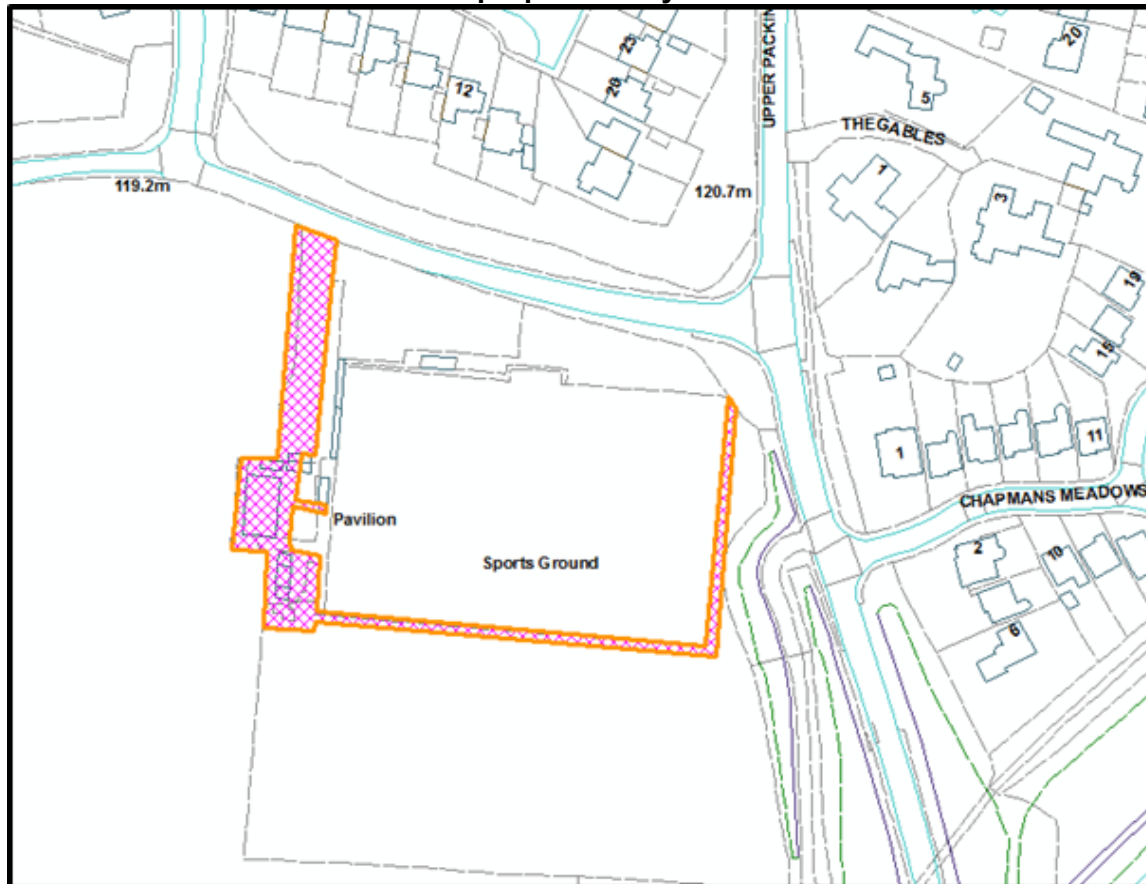
Date Registered:
22 September 2023
Consultation Expiry:
9 November 2023
8 Week Date:
17 November 2023
Extension of Time:
17 November 2023

Applicant:
Ashby Ivanhoe Football Club CIC

Case Officer:
Donnella Wood

Recommendation:

Site Location - Plan for indicative purposes only



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This case is returned to the Planning Committee following concerns raised by a member that at the 6th of February meeting, the vote on the alternative motion to defer this planning application was miscounted and wrongly announced to the Committee. Members subsequently went on to agree the original motion to approve the application.

Following an investigation into the matter and having sought legal advice, it has been determined that the best course of action is to report the application back to the 5th of March Planning Committee meeting for it to be redetermined.

Members will recall that the reasoning for the proposed deferral was for officers to discuss with the applicant whether they would agree to a S106 agreement to restrict either the commencement of works or the first use of the clubhouse facilities that are the subject of this planning application until the access and parking facilities which were approved under the earlier planning permission 22/01811/FULM had been fully implemented.

The legal advice received concluded that, as the application should be returned to the committee for a decision, officers should discuss the reasoning for the deferral with the applicant and ask them if they would formally agree to a restriction so as not to commence or occupy the facilities that are the subject of this application until the parking and access facilities as approved through the earlier permission for the site (22/01811/FULM) have been completed. The legal advice concluded that the above could be achieved via a planning condition and it didn't need to be secured through a S106 agreement, which the applicant previously advised they wouldn't agree to. The matter has now been discussed with the applicant who is agreeable to the use of a condition to control the works on site as suggested above, albeit the agreed restriction would be on occupation rather than commencement of development.

Therefore, this application is put before the Planning Committee with the same recommendation to approve as previously subject to the 11 conditions listed below in the original report and the following new condition:

12. *The clubhouse alterations hereby permitted shall not be brought into use until the parking, turning, and access drive surfacing measures authorised by planning permission reference 22/01811/FULM have been fully completed and are available for use.*

The original report that that was before members at the 6th of February meeting is as follows:

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. Bat activity survey report & mitigation scheme (Pre-commencement) - details to be submitted
8. River Mease sustainable drainage system – standard River Mease soakaway condition
9. Lighting - no installation of lighting without express permission from the LPA
10. Levels – no change to site levels without express permission from the LPA
11. Use of site – in accordance with details within the application to ensure appropriate use

1. Proposals and Background

Planning permission is sought for works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway at Ashby Ivanhoe Football Club, Lower Packington Road, Ashby De La Zouch.



Aerial view of the site

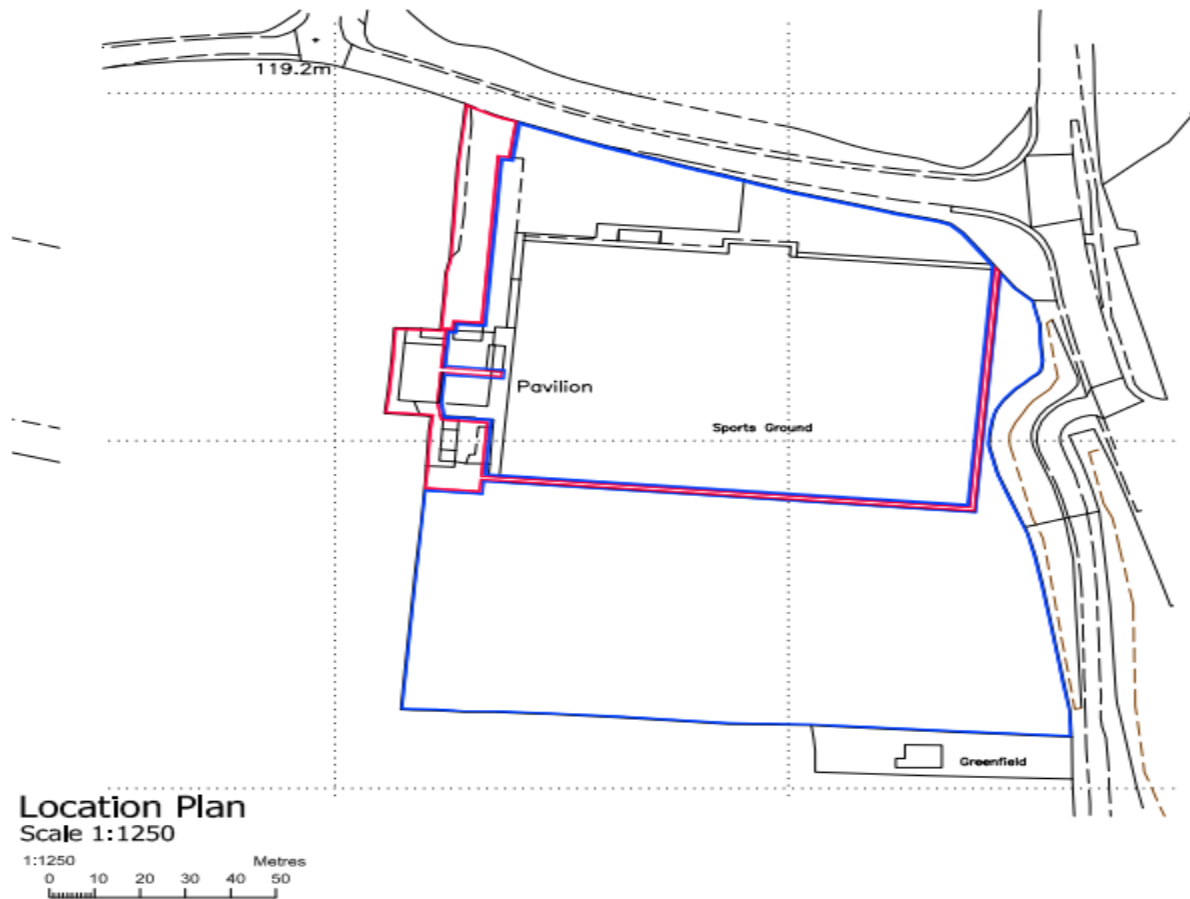
The application site is located to the southern side of Ashby on Lower Packington Road, and it is enclosed by post and rail fencing and low level hedgerow.

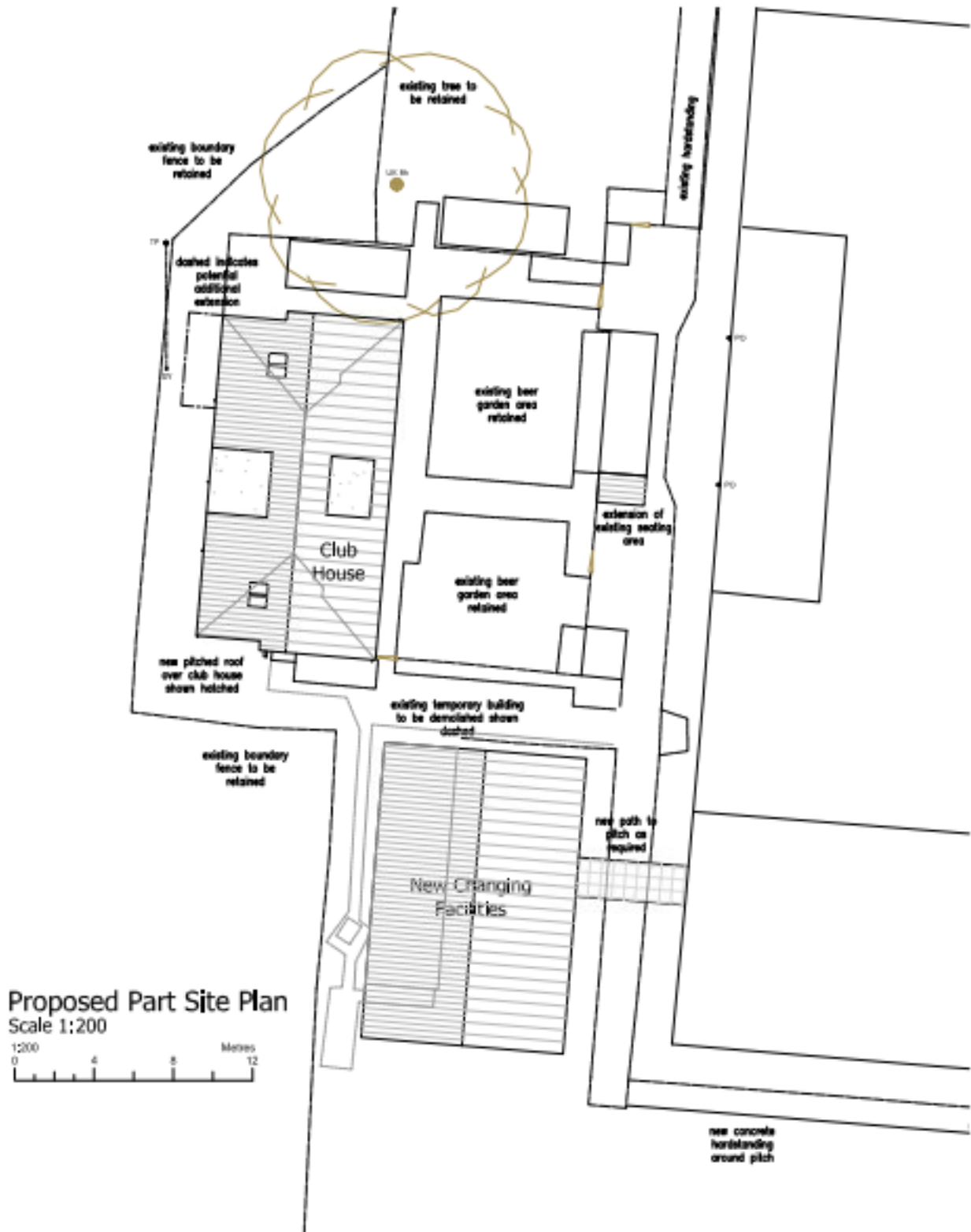
The site is located outside the Limits to Development, as defined by the adopted Local Plan and is sited close to the settlement limits of Ashby de la Zouch which is identified as a Key Service Centre. The site is located within the National Forest, and it has been identified as being within Flood Zone 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.

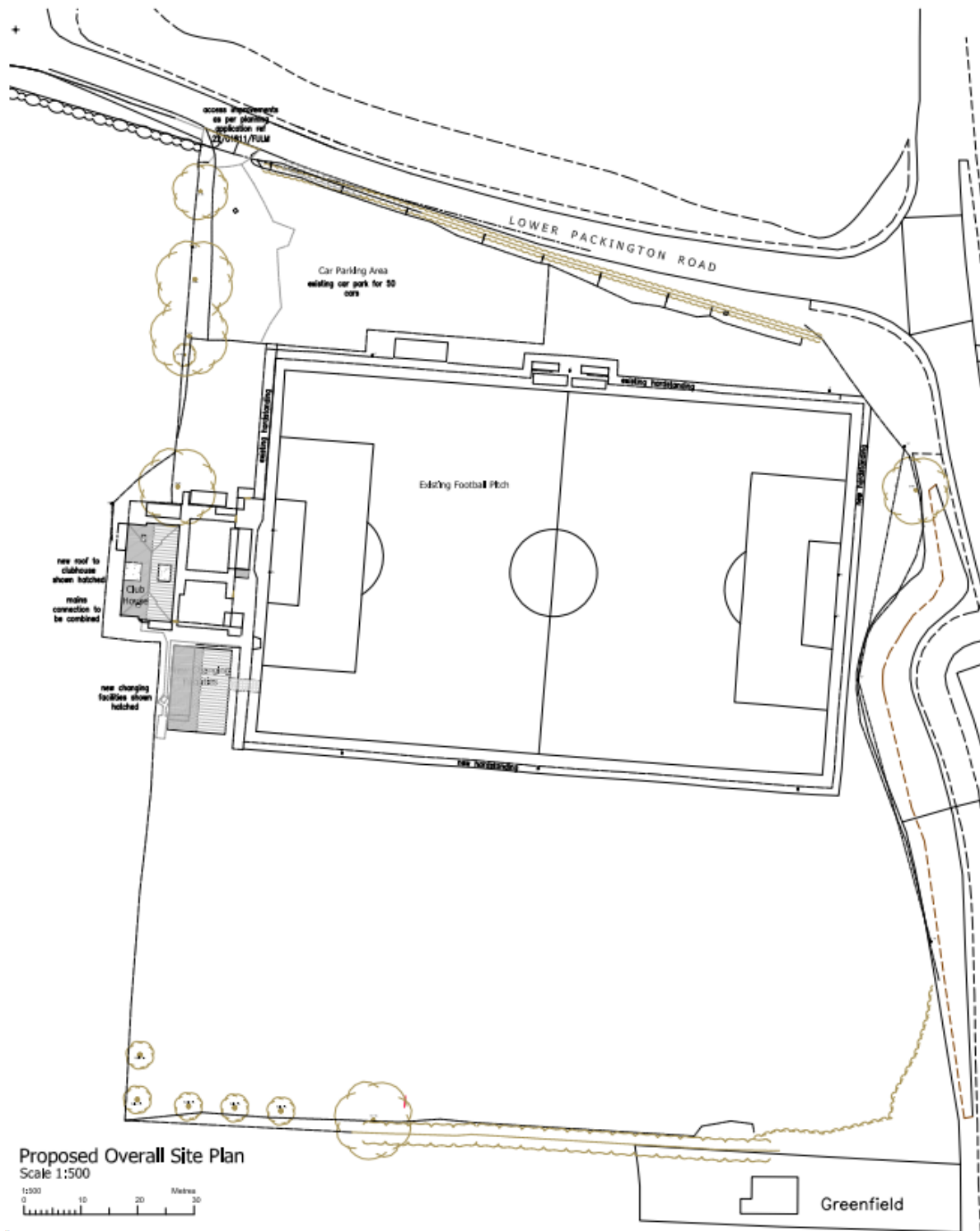


View from Lower Packington Road

The proposal would allow for new single storey changing room facilities to replace an existing portacabin, raising the roof to the existing club to provide first floor accommodation, dormer windows, rooflights and a balcony, the retention and extension of an existing terraced stand and the provision of new concrete hardstanding alongside the southern and eastern boundaries of the existing playing pitch.







Site Plan

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

Relevant Planning History

- 14/0007/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
- 22/01811/FULM Change of use of land to recreation use including the formation of sport pitches, parking area, improved access and landscaping - Permitted subject to a S106 agreement on 21.12.2023

2. Publicity

48 Neighbours have been notified.
Site Notice displayed 29 September 2023.

3. Summary of Consultations and Representations Received

Ashby de la Zouch Town Council - Raised objections on neighbour amenity, highway safety and sustainability grounds.

Leicestershire County Council Highways – No objection.

Leicestershire County Council Ecology – Advised conditions relating to bats.

NWLDC Environmental Protection - No objection.

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

Natural England – Advised conditions relating to implementing a sustainable drainage system.

Third Party Representations

41 letters of representation have been received in total on this application. 25 of these letters were received in support of the proposal with 16 raising objections to the scheme.

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 taken into account.

The comments raised are summarised as follows.

The following comments have been made in support of this scheme:

| Grounds of Support | Description |
|----------------------------------|---|
| Highways | Already the works the club have done has reduced parking issues for residents |
| | Never more than 8 -10 cars parked legally on nearby estates it is a public road with no parking restrictions as hard as the club works to stop people parking there you cannot compel them not to do so |
| | As the car parking situation at the club improves more will use the car park |
| | On-site parking is already being addressed including separate entrance and exits |
| | |
| Sport provision | Club improves the physical and mental health and wellbeing of children and residents |
| | Club provides exercise for 400 local children allowing them to express their talents in a safe environment |
| | Exercise/team activities results in health benefits, mental and physical as well as benefits to social skills, life skills and wellbeing |
| | Club is inclusive, has a development school for children who have previously struggled to get into teams |
| | |
| Neighbour amenity impacts | Claims of a balcony causing noise concerns are farcical, it faces few dwellings |
| | |
| Other Comments Received | Positive impacts to local residents including children |
| | The club has been there longer than anyone has lived there. |
| | Club needs the modernisation to bring it into the 21 st century, these measures will cement its future |
| | The club is an established asset to the community |
| | New facilities are vital, at present there are not enough toilets for the number of teams |
| | Benefits to the community |

| | |
|--|--|
| | Club encourages team work, discipline, fun, confidence and friendship |
| | Helps with mental health |
| | Current facilities woefully inadequate |
| | Substantial number of residents have a connection with the club |
| | Future proofs the club for years to come |
| | Building is decaying with rotting cabins upgrades are vital |
| | Economic benefits to the town |
| | The club is held back by the facilities |
| | Works will provide a basic need and benefit generations to come |
| | The reasons for objection are nonsense and short sighted |
| | Most other football clubs at this local level are situated within single road estates and are supported by their communities |
| | Absolutely needed for the growing town |
| | Ashby is underrepresented in facilities of any sort; these improvements will enhance the area |
| | Aesthetic upgrades to a club being used for sports since the 1950's, once complete the town will have a facility it can be proud of |
| | The club promotes the town, helps to generate a wider knowledge of the town and all its great facilities and raises the profile of the town to generate more income / tourist and business investment to help the development of the whole area, |
| | The football club has been involved with numerous charities and has hosted lots of family events ran mainly by volunteers |

The following points have been raised in objection to this scheme:

| Grounds of objection | Description of impact |
|-----------------------------|------------------------------|
| Highways | Parking concerns |
| | Congestion/traffic issues |

| | |
|----------------------------------|---|
| | Existing highways issues would be worsened |
| | Pedestrian/cyclist safety risks |
| | Access issues |
| | The LHA (so far) to acknowledge and address the growth of the club, and the intensification of use and traffic generation proposed by the cumulative impact of all current development proposed |
| | Repeated failures of the club, the LHA and the council to address highways issues including through lack of parking controls |
| | Further highways surveys should be submitted including speed and trip generation |
| | Road infrastructure cannot cope |
| | Ashby Rugby Club have recently doubled the size of their club house and improved facilities, but they have also created enough off street parking for those that attend. They have hundreds of people attending with no issues as they have made parking space for their members/visitors. |
| | No electric car parking chargers are being provided |
| | Parking stewards should be employed |
| | |
| Design and character | Area is countryside, development is not appropriate in this location. The creeping intensification of development involving construction of extra car and coach parking, floodlighting, grandstands, covered spectator space, dug-outs, fencing, adverts, netting and other paraphernalia has clearly made massive, harmful changes to the character of the area. |
| | The proposed development is excessive |
| | Impact of the proposal on the landscape |
| | |
| Neighbour amenity impacts | Noise impacts from visitors and from the balcony will expand to a greater area. Club has not submitted any noise assessments and made no effort to be considerate to residents who suffer from noise pollution |

| | |
|--|---|
| | Residents are already negatively affected by events held at the club |
| | Visitors to the club have no regard for residents, they block drives, they create litter and are noisy and have been threatening |
| | Anti-social behaviour concerns |
| | |
| Other material planning considerations | Impact on the River Mease |
| | Environmental concerns |
| | Issues from the club are destroying the once quiet and beautiful area |
| | Still no established residents' group despite S106. The club isn't interested in reaching out to residents. |
| | |
| Other comments received which aren't material planning considerations | Clubs aims are economic benefit to them not to the benefit of children. Aims to be a large leisure and social facility, as seen by the doubling of the entertainment floorspace, renting out the venue etc. |
| | Residents have had to submit anonymous objections for fear of retribution |
| | Other football clubs in Ashby also support children and don't need a bar open 7 days a week to do so |
| | Concerns over alcoholic drinks potentially being brought out of the clubhouse onto neighbouring roads |
| | The intention is to create an events' venue used at all times on any day of the week thus resulting in a large increase in the number of people using the premises. |
| | Not opposed to children having fun through support and exercise, issues are with the increased use/events held at the club |
| | The club should provide a copy of their development plan with a time scale for the next ten years so that everyone concerned can see what is intended instead of drip-feeding planning applications on an ad hoc basis as seems to be happening |
| | This is the 4th application relating to the site, it feels like a case of creeping development. The piecemeal approach to development is clearly an attempt to avoid |

| | |
|--|---|
| | proper scrutiny of legitimate planning concerns and assessment of the cumulative effect of all the currently proposed development. |
| | It feels more like the ongoing development of a mini stadium and entertainment centre than additional playing areas and changing facilities |
| | Club exploits permitted development rights |
| | It is wrong to describe the use as a “community services” as it is not a facility for the use of the whole community – only for members of the football club, their supporters or visiting players and supporters. |
| | Increase in recent membership significant, use of the site much higher than under the old club |
| | The club’s facilities already satisfy FA requirements, the proposed development is designed to support the clubs non-sporting commercial activities |
| | Huge intensification of use already to the site as the club progresses through the leagues |
| | Council should impose controls on maximum visitor numbers, hours of operation covering lighting, outside functions, use of high level balcony, hours of use of the clubhouse and restrictions on non-football activities across the whole of the site, restrictions on the use of the Public Address system to team and public safety announcements only and a S106 Agreement establishing a resident liaison committee |
| | Behaviour of the club and customers unacceptable and not in keeping with a family friendly club |
| | Club needs to hire security |
| | Club needs to draw up a code of conduct for visitors |

4. Relevant Planning Policy

National Planning Policy Framework (2023)

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 and 11 (Achieving sustainable development)

Paragraphs 55 - 57 (Planning conditions and obligations);

Paragraphs 85, 87, 88 and 89 (Building a strong, competitive economy)

Paragraph 97 (Promoting healthy and safe communities);

Paragraphs 110 and 111 (Promoting sustainable transport);

Paragraph 128 (Requiring good design);

Paragraphs 123 and 124 (Making effective use of land)

Paragraphs 157 and 159 (Meeting the challenge of climate change)

Paragraphs 180, 185, 186, 187 and 188 (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

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 works to an existing clubhouse to include raising the roof height to provide first floor accommodation, dormer windows and a balcony with the erection of a single storey building to provide changing room facilities, retention/extension to terrace stand and new pathway.

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 within 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 established football club 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 continued use which is 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 96 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.

Policy S3(i) of the Local Plan supports the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and given the site is an existing established commercial football club proposing works to support the current activities within the site it is considered the proposal would comply with the aims of Policy S3(i) as well as the aims of the NPPF which indicates that applications to secure sustainable economic growth should be treated favourably.

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

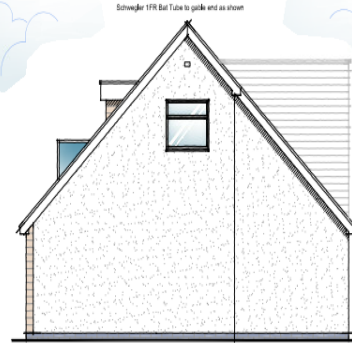
Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. Policy S3 requires that where development is acceptable in principle, the appearance and character of the landscape, and local distinctiveness is safeguarded and enhanced. Policy S3 of the 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.

The proposal would allow for new single storey changing room facilities to replace an existing portacabin, raising the roof to the existing club to provide first floor accommodation, dormer windows, rooflights and a balcony, improvements to the existing access, the retention and extension of an existing terraced stand and the provision of new concrete hardstanding

alongside the southern and eastern boundaries of the existing playing pitch.



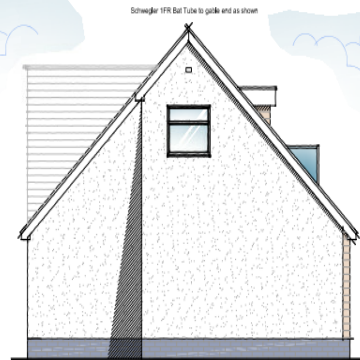
Proposed Front Elevation
Scale 1:50



Proposed Side Elevation
Scale 1:50

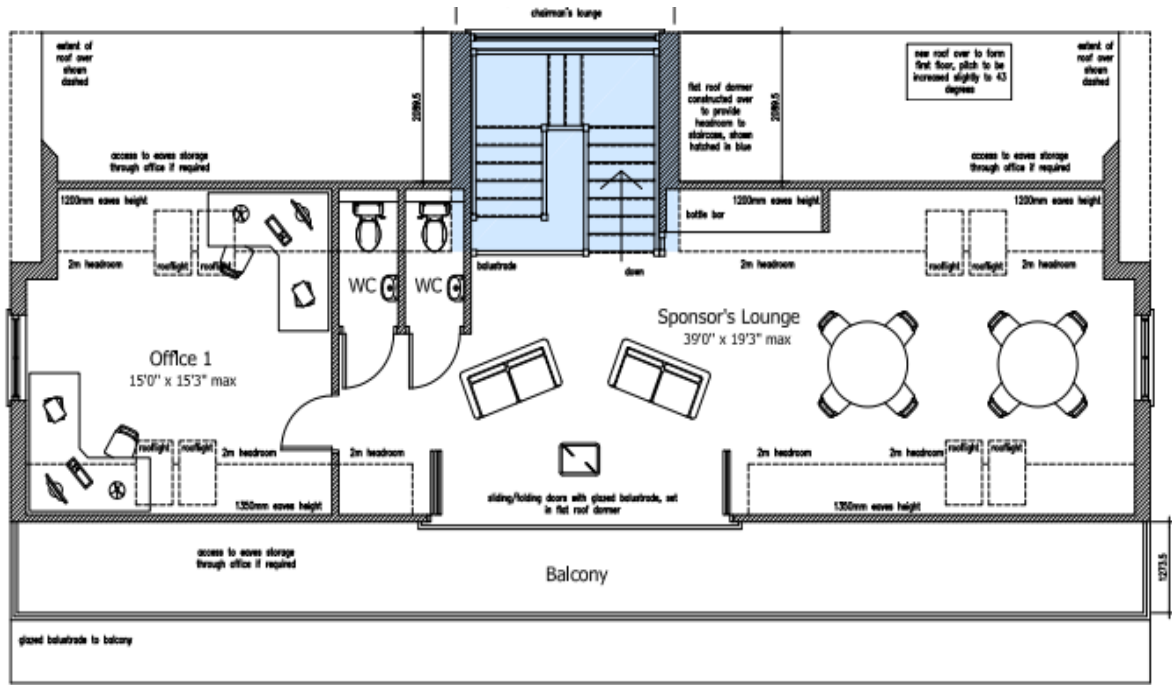


Proposed Rear Elevation
Scale 1:50

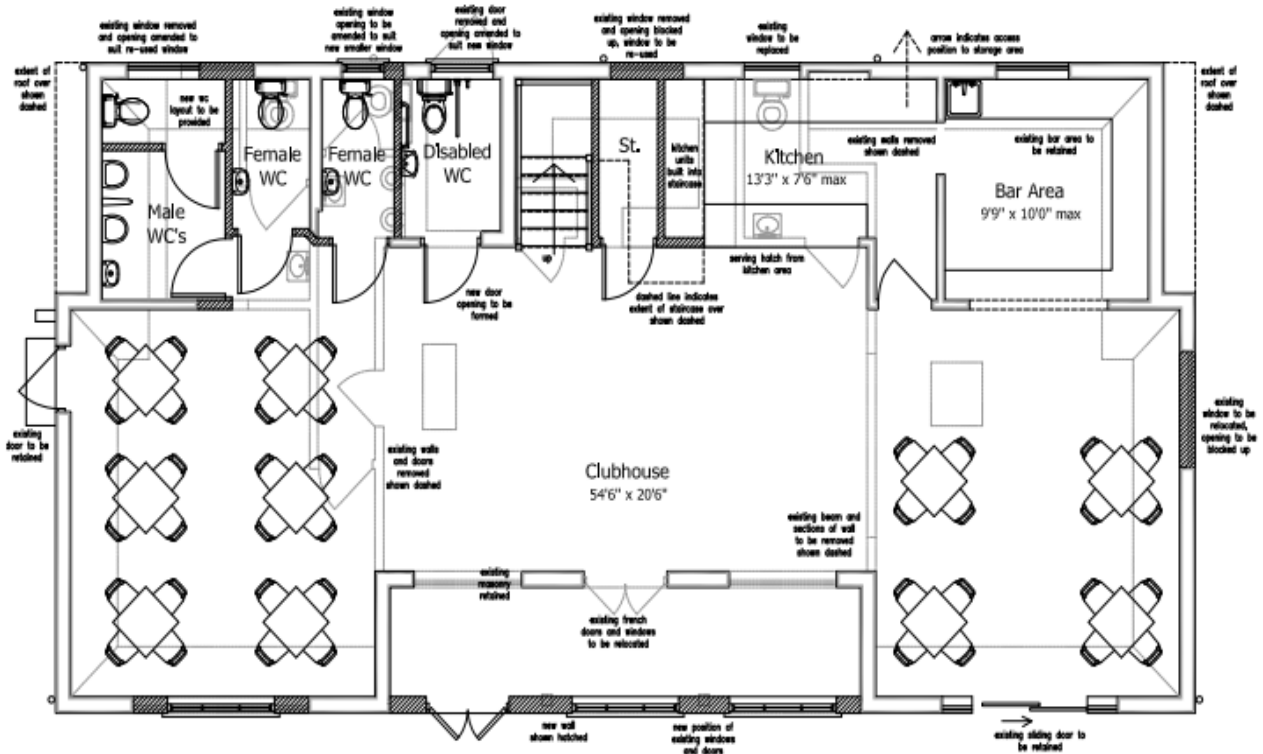


Proposed Side Elevation
Scale 1:50

Clubhouse proposal - Elevations



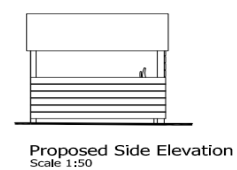
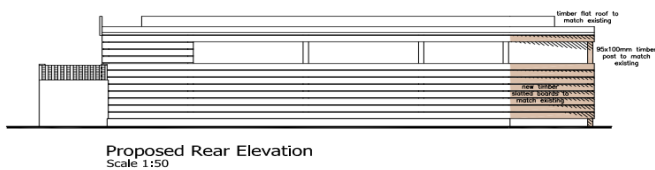
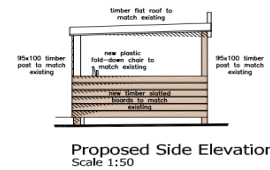
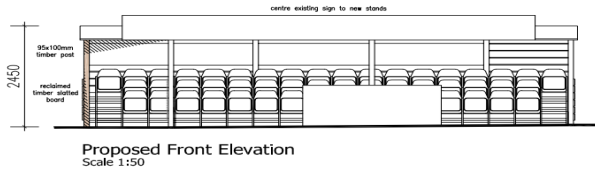
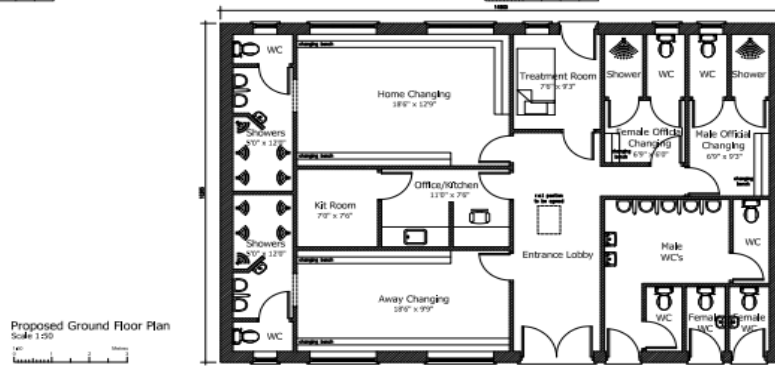
Proposed First Floor Plan
Scale 1:50

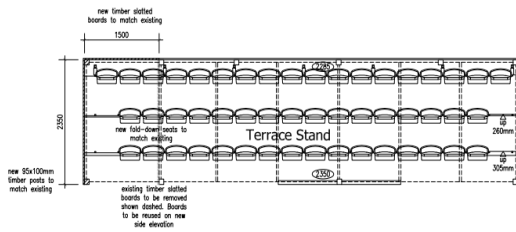


Proposed Ground Floor Plan

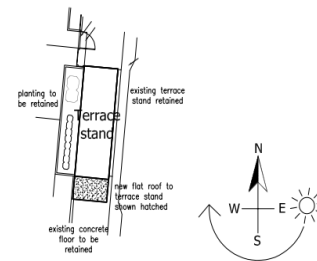
Clubhouse proposal – Floor Plans

PLANNING APPLICATIONS- SECTION A



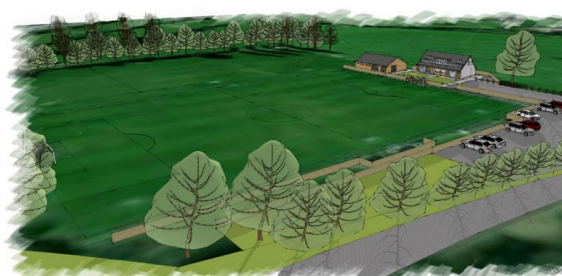
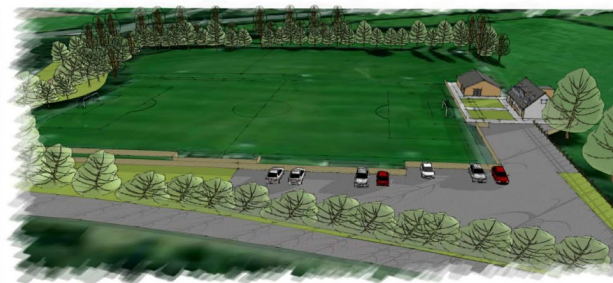


Proposed Ground Floor Plan
Scale 1:50



Proposed Site Plan
Scale 1:200

Changing room and terrace stand



visualisations

3D

Whilst the site is within the countryside in planning policy terms, the works proposed would take place within the existing developed grounds of the football club and 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. To the west of the site the Public Right of Way (PROW)

Footpath O17 runs adjacent to the site which features mature hedgerow providing a level of screening. To the south and east of the site additional mature hedgerow provides suitable screening. Low level hedgerow with post and rail fencing forms the northern boundary.

Having regard for the scale of the proposal which would largely result in works to existing development and replacement structures and the existing site context as described above it is not considered that the proposal would erode the character and appearance of the countryside and therefore would be compliant with 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 landscaping enhancements which could be secured via a suitably worded condition 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 particularly as landscaping and boundary treatments can be secured by condition to mitigate any impacts. |
| 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 as the impact on the surrounding landscape can be suitably mitigated by 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 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 property occupiers have both overwhelmingly raised support and objections to the development raising a number of matters as summarised within the third party letters of representation section of this report. 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 impact of the proposal on neighbouring properties.

The surrounding area is densely packed with neighbouring properties being at 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.

Whilst neighbouring properties who have objected to the proposal are concerned that the works are to facilitate an increased membership to the club, it is clear from visiting the site that the existing facilities are in a poor condition which is impacting the existing users which has further been confirmed within the letters of support for the proposal. The works proposed are intended to improve the site provisions for the current members by providing a new single storey changing room facility to replace the present facilities, raising the roof of the existing clubhouse to provide additional space and the retention and extension of the existing terraced stand. It is not considered that the relatively modest amendments proposed to an existing and established football club would result in an unacceptable increase in noise and disturbance over and above that of the existing site which could warrant a refusal of planning permission and neighbouring properties are sufficiently distanced from the works to not be adversely impacted over and above the impacts from the existing development.

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

Whilst neighbouring properties have raised concerns relating to noise impacts in particular the proposed balcony, given the distance of the proposal from neighbouring properties, the overall scale of the proposal and when having regard to the existing 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. Should the occupiers of the neighbouring properties to the site believe the noise/disturbance from the football club 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. This planning application can only consider that which has been specifically submitted by the applicant and it cannot address the issues with the club as existing which are raised by the objectors and are listed as not being material planning considerations in the earlier neighbour objections part of this report.

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

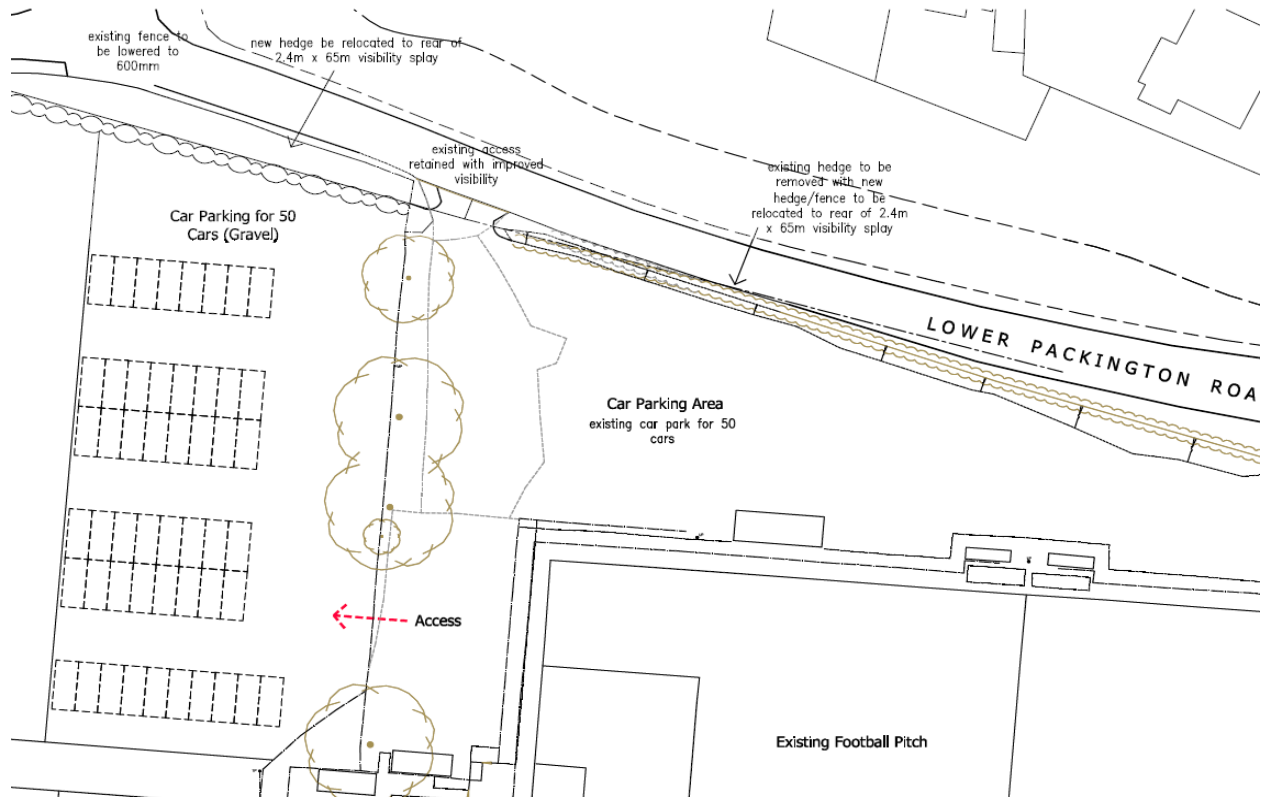
| Objection | Response |
|---|--|
| Concerns regarding noise and disturbance | See above assessment. The NWLDC Environmental Protection Team were consulted on the application and concluded that they did not object to the proposal advising the proposed use would not negatively impact on its environment 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 either as existing or in the future which warrant further investigation from the Council. |
| Concerns regarding additional residential amenity impacts | See above assessment. It has been concluded that the relatively modest works to an existing and established football club would not result in an unacceptable increase in neighbour amenity impacts over and above that of the existing development 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 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.

Access to the site is located on Lower Packington Road, a classified C road subject to a 30 MPH speed limit. Enhancement works to the access and additional parking were permitted as part of planning application 22/01811/FULM.



Parking, access and visibility layout as approved under 22/01811/FULM

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 approved highways work would help alleviate existing highways concerns.

The County Highway Authority (LHA) were consulted on the application, and they provided a substantive response as part of planning application 22/01811/FULM resulting in amendments to the access to ensure they would be in accordance with the Leicestershire Highway Design Guide (LHDG). As the present application provides no further works to the access nor additional parking with a pedestrian pathway proposed to the southern and eastern boundaries of the existing pitch the LHA advised following confirmation the proposal would not result in a material intensification of use 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.

Whilst several concerns have been raised by 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 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 |
|---|---|
| <p>Concerns regarding the ongoing parking issues which would be worsened because of the development.</p> | <p>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 trialed additional parking to the site which supporters have advised have been a success and enhancement works to the access and additional parking were permitted as part of planning application 22/01811/FULM. This scheme cannot address the previous and existing parking issues outside of the site, the S106 agreement which has established a Community Liaison Group sits outside of this planning application with the group having been established to allow for the applicant and community to constructively work together to resolve issues. Further, the CHA was consulted on the application, and they concluded the proposal would be acceptable as such a refusal of planning permission on parking grounds could not be substantiated.</p> |
| <p>Concerns regarding ongoing traffic and congestion issues which would be worsened because of the development.</p> | <p>See above assessment again this scheme cannot address existing traffic issues, such matters need to be discussed and addressed at the Community Liaison Group meetings. Given the submitted information and the assessment by the CHA who concluded that they were satisfied the proposal would not result in a material intensification of use to the site it isn't considered any additional impact could warrant a refusal of planning permission.</p> |
| <p>Concerns regarding pedestrian safety</p> | <p>The CHA is satisfied the proposal would not result in risks to pedestrian safety and appropriate visibility splays can be achieved which were secured by way of a condition to as part of planning application 22/01811/FULM.</p> |

| | |
|--|--|
| <p>Additional highways related concerns including lack of electrical car chargers to the site, further surveys which should have been undertaken, the need to employ stewards etc.</p> | <p>See above assessment again this scheme cannot address such issues which largely relate to the existing use of the site and whilst the provision of electric car chargers would be appreciated, the applicant cannot be compelled to provide these as part of this application and such matters need to be discussed and addressed at the Community Liaison Group meetings.</p> <p>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.</p> |
|--|--|

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 180 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 with particular regard to bats given that part of the works would result in amendments to an existing roof structure. Following the receipt of amended plans which demonstrated replacement roosting features the Ecologist was satisfied further surveys could be secured via appropriate pre-commencement planning conditions.

Regarding biodiversity net gain (BNG) the mandatory requirement for 10 percent BNG starts on the 2nd of April 2024 for a planning application of this size and type, however given the application predates the April introduction of mandatory BNG, the site is required to comply with the existing advice on biodiversity within the NPPF. The NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity and 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 case, given the limited scale of the works, the existing use of the site and the replacement roosting features proposed to the clubhouse, it is considered the requirements regarding biodiversity net gain have been satisfied.

The NWLDC Tree Officer was consulted on the application and confirmed they had no objection to the proposal advising the existing trees on site will however need to be adequately protected and as such, a suitably worded condition will be required to ensure any impacts to the trees will be mitigated.

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 180 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 and the proposal would be conditioned to include soakaways to mitigate any impact therefore it is considered that the proposed development would not result in a significant increased surface water flood risk on site or elsewhere.

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, in line with Natural England's advice, would therefore not lead to additional foul drainage discharge from the site; therefore, in terms of foul drainage the proposal 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. Natural England further advised subject to a condition securing a soakaway they do not consider the development likely to cause a significant effect on the River Mease SAC and raised no objection to the proposal.

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. |

Other Matters

Concerns were raised by residents that the club should submit a masterplan with their overall goal for the site. Whilst such plans are useful, the applicant is not required to submit such a plan, there is no planning legislation which stops them effectively submitting as many applications as they wish, and it is down to the Local Planning Authority and statutory consultees to assess the cumulative impact of the development taking into consideration previous approvals/pending applications.

Additional concerns were raised regarding the obligation in the S106 as signed under planning permission 22/01811/FULM to create a community liaison group not being established and carried out by the club. Due to various delays in completing the S106 agreement, the permission was not issued until the 21st of December 2023. It is expected now the planning permission has been issued the club will meet its obligation and residents can address their concerns with the club directly and suggest measures the club could enact to reduce impacts from the matches, training and events that occur on site such as hiring security to target anti-social behavior, measures which for example cannot be imposed by the planning system.

The first meeting of the Community Liaison Group has now been undertaken and therefore matters are being discussed at present. The details of the obligation of the club with regard to the Community Liaison Group are outlined in full within the S106 agreement which can be viewed publicly on the Council's website. Should residents consider the club is not following their obligation they can contact the Council Planning Enforcement Team who will investigate matters further.

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.