

**Planning Committee 23 October 2018
Report of the Interim Head of Planning**

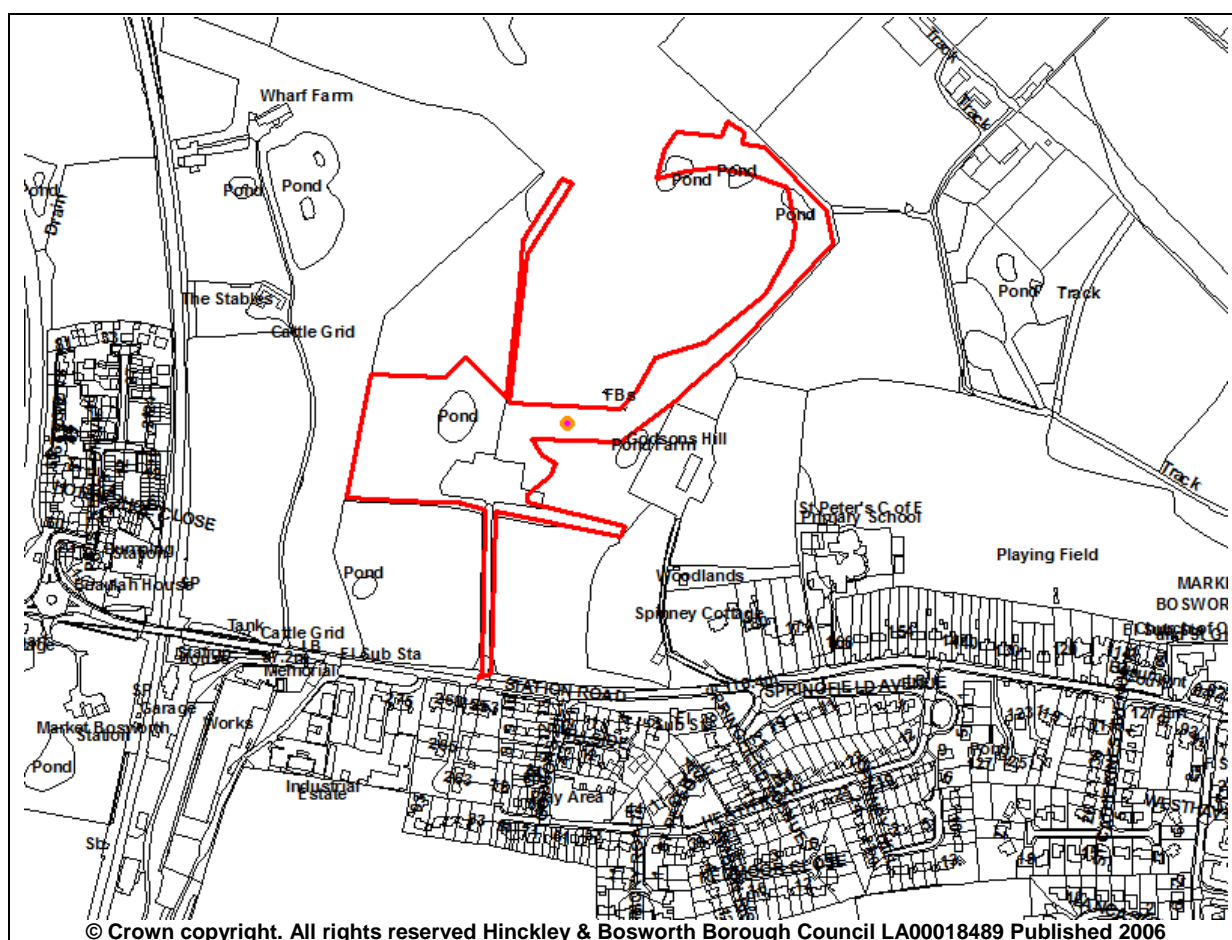


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00732/FUL
Applicant: Statue Homes Ltd
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Kyngs Golf And Country Club Station Road Market Bosworth

Proposal: Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission)



1. Recommendations

1.1. Refuse planning permission subject to the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a club house, the formation of new car parking area and the erection of 15 proposed holiday homes, which are to be occupied on short term let basis.

2.2 This application is a resubmission of application 17/00528/FUL, which was previously refused. The previous application was refused for the following reasons:-

- “1. The proposed scheme would relate to an existing recreation facility outside the settlement boundary of Market Bosworth. The applicant has failed to demonstrate that there is a viable need and justification for the scale of development proposed and would be ancillary to the existing golf course. It is therefore considered that the proposed development is contrary to Policy DM1 and DM4 of the Site Allocations and Development Management Policies DPD and Policy 23 of the Core Strategy (Dec 2009).
2. The proposed clubhouse by virtue of its scale, layout siting and design would result in a prominent building within a rural setting, which would neither complement nor enhance the intrinsic beauty or rural character and appearance of the countryside. By virtue of the scale and appearance the proposed clubhouse would also harm important views and vistas into and out of Market Bosworth, which would be contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Plan, Policies CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan (2014-2026).
3. The proposed residential accommodation within the proposed golf club house, would be sited outside the settlement boundary of Market Bosworth in a countryside location. The applicant has failed to demonstrate a requirement or need for the creation of a dwelling within this countryside location. The proposal would therefore result in a form of unsustainable development that in the countryside which would be contrary to Policy DM1 and DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).
4. The proposed holiday homes by virtue of their scale, layout, siting and design, would be positioned upon a prominent and sensitive rural location, which would neither complement nor enhance the intrinsic beauty or rural character and appearance of the countryside. They would result in being a prominent feature upon the approach to the settlement of Market Bosworth, which would have a significant adverse detrimental impact upon the views and vistas on the approach to the settlement and views across the undulating countryside into Market Bosworth contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Plan, Policy CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan (2014-2026).
5. The proposed buggy garage by virtue of its scale, layout, siting and design would result in a prominent building within a rural setting, which would neither complement nor enhance the intrinsic beauty or rural character and appearance of the countryside. By virtue of the scale and appearance the proposed buggy garage would also harm important views and vistas into and out of Market Bosworth, which would be contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Plan, Policy CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan (2014-2026).
6. The proposed parking area, due to its significant scale would result in large areas of hardstanding which would have a significant urbanising impact upon the character and appearance of the countryside which would be contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Plan, Policy CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan (2014-2026).
7. The proposed water feature and lake would result in an incongruous feature within the open countryside and would result in significant adverse impact upon the character and appearance of the countryside and cause harm to the important views and vistas into and out of the settlement of Market Bosworth

which would be contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Plan, Policy CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan (2014-2026).

8. *Insufficient information has been provided to assess the impact on ecology as a result of the development and therefore the applicant has failed to demonstrate that the development would not result in the loss of irreplaceable habitats without appropriate mitigation. The proposed development does not accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016).*
 9. *Insufficient information has been provided to assess the possible impact of the development on the road network, highway safety, capacity and the sustainability of the development and therefore the applicant has failed to demonstrate that the development would not result in any significant impacts arising from the proposed development upon the highways and transportation network and any necessary mitigation measures. The proposed development does not accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016)."*
- 2.3 The proposed clubhouse would include a golf members lounge, changing rooms, pro-golf shop, golf simulator, along with kitchen area with bar, and a function hall. The proposed clubhouse would be dual frontage, with entrances to the south and east. The proposed clubhouse building would be two storeys in scale, specifically within the east portion of the proposed building, with the remaining building being of single storey, with low eaves and hipped roof. The clubhouse would have an approximate ridge height of 9.2 metres at its highest ridge. The proposed parking would be provided to the south of the club house and extend west. The design and scale of this building has altered from the previously refused permission.
 - 2.4 To the east and north of the proposed clubhouse 15 holiday homes are proposed. Plots 1-6 would be situated to the south west of the proposed golf clubhouse and adjacent to the south facing boundary of the application site. These proposed holiday homes would reflect a traditional courtyard arrangement, and would be of single storey scale, with each holiday let providing two bedroomed self catering accommodation with a shared central courtyard. The previous scheme sought to provide 6 two storey detached properties.
 - 2.5 Plots 7-15 would be positioned along the east boundary of the site, which is of higher ground level. The proposed holiday homes would be positioned upon piled foundations due to the change in land levels across the site, with the holiday lets positioned upon steel columns. Plots 7 – 15 would be of contemporary design with a mix of flat and mono-pitched roof styles with living accommodation split over two floors. There have been no changes to these in location or design of these proposed holiday homes from the previously refused scheme.
 - 2.6 The scheme would result in the loss of the 9 hole practice golf course.
 - 2.7 During the course of the application, amended plans have been received, which removed a proposed golf buggy store, a separate building for the golf simulator building, and also amendments to the proposed golf clubhouse. Which sought to reduce the overall ridge of the proposed building and would incorporate the golf simulator being accommodated within the club house. The amendments have been subject to a full 21 day re-consultation.
 - 2.8 A Design and Access statement, Transport Statement, Flood Risk Assessment/Drainage Strategy, Ecology Report, Landscape and Visual Baseline Report and Market Assessment and Business Case have been submitted to support the application.

3 Description of the Site and Surrounding Area

- 3.1 The existing golf course comprises of approximately 48 hectares of undulating land, which has been regraded following planning permission for the creation of the golf course. Generally the land rises to the east, towards the approach of the settlement boundary of Market Bosworth.
- 3.2 The site extends north beyond the settlement boundary of Market Bosworth towards the neighbouring settlement of Carlton and is surrounded by undulating countryside. An existing footpath, S70, runs east to west through the gold course which allows extensive views across the site.
- 3.3 The application site is accessed via Station Road which is an existing access, leading to a pair of gates which secure the site. At present the site is not in use. An existing pre-fabricated building resides on site, which sought to serve as a temporary clubhouse. There is an existing area of hardstanding along the southern boundary of the site serving as a car park to the golf course.

4 Relevant Planning History

92/01068/COU	Golf course, driving range, club house and maintenance buildings	Refused	23.07.1997
98/00963/COU	Proposed golf course and ancillary facilities including club house	Permission	09.11.2000
02/00685/COU	Proposed golf course and ancillary facilities including siting of club house and associated parking	Permission	30.04.2003
08/00217/FUL	Retention of slab area	Permission	09.04.2008
08/00750/FUL	Erection of golf club house, new access and associated parking and managers flat	Permission	24.09.2008
13/00272/CONDIT	Variation of condition 18 of planning permission 02/00685/COU to remove the right hand turn lane and propose other off site highway works.	Permission	17.02.2014
17/00528/FUL	Erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage,	Refused	15.09.2017

formation of a new
car parking area for
242 vehicles and
new access roads
and the proposed
erection of 15 golf
holiday homes and
all associated
ancillary works and
landscaping

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 27 letters have been received during the course of the application, 22 from separate addresses. 18 letters of objection, 3 letters neither supporting nor objecting the application and 1 letter in support.
- 5.3. The letters of objection raise the following concerns:-
 - a. This is an excuse to build “holiday homes” without any intention of developing the golf club.
 - b. Golf clubs all over the country are facing financial difficulty and closure, due trend amongst younger people towards cycling and not golf.
 - c. Traffic along Station Road is frequently heavy and congested particularly at the beginning and end of the school day, the evening rush hour and on sunny days due to the popularity of the Water Park.
 - d. The entrance to Market Bosworth is particularly attractive and building on this prominent green area would be a great loss to the community and tourists.
 - e. Development of this site, would lead to traffic using the farm track at the rear of the site which leads to Barton Road which is a footpath and part of the Leicestershire Round.
 - f. The road serves 4 schools and an industrial estate, along with all the traffic this entails.
 - g. 15 holiday homes in addition to extra buildings outside of the area for development is a large number
 - h. Previous attempts to run the golf course has not succeeded.
 - i. Increased noise for local residents.
 - j. Market Bosworth does not need this development.
 - k. No viable need or justification for scale of development which would be unsustainable development in the open countryside and not in accordance with councils adopted Policies.
 - l. No detailed assessment of Gross Development Value has been included in the business plan assumption which is an essential element in assessing viability of the proposed scheme.
 - m. The document submitted has not taken into account build costs or purchase costs of lodges, professional costs, project management, legal fees or interest figures. It is conceded in paragraph 39 and 68 that “frequent cause of failure of golf businesses is the inability to repay loans taken out”

- n. Lodge accommodation confirmed essential to attract staying tourists and to provide further revenue by using the lodges for persons attending proposed wedding functions. This source of income cannot be assessed within this proposal, paragraph 68 confirms Golf Holiday homes are to be sold to provide income to finance the cost of the club house and improve the existing golf course.
- o. Should the golf business fail again, or the other development not proceeded a residential development of 15 properties will have been established outside the development limits.
- p. Wont be purchased by golf tourists
- q. The viability Assessment does not take into consideration all the relevant facts.
- r. Golf accommodation would no doubt become permanent for like those living on board the marina.
- s. Back door to houses in the countryside.
- t. Policy CE3 of the Market Bosworth Neighbourhood plan states new development will not be supported if it has a significantly adverse impact on an important view or vista.
- u. Policy CE5 states in all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be mitigated. 9 lodges would contravene this.
- v. There are 305 rooms accommodating 670 people within a 5 mile radius of the proposed development, proving there is ample accommodation.
- w. If accommodation is required why cant this be included within the main building which would be much less damaging to the landscape.
- x. How would HBBC ensure the proposed lodge would only be occupied for holiday and recreation and not permanent.
- y. Would set a precedent
- z. Traffic surveys conducted in March and April which are no peak flow periods. Summer it increases substantially.
- aa. Supporting information by Ashworth identifies that newcomers and returners to the sport were attracted by nine hole version of the game to encourage busy people to play more often. This proposal seeks to take the nine hole course away.
- bb. Where is the research which demonstrates the area needs another wedding and conference venue.
- cc. Estimated Financial Profile by Ashworth Ass. Shows an operating profit of £167,770 at ready stage. This profit is sufficient to finance the build costs of a club house negating the requirement to build and sell 9 lodges.
- dd. The proposed development would 'create 58 new jobs' which shows 17 full time employees for the holiday homes and 10 full time employees for the conference and banqueting. 17 staff to manage 15 homes is equal to having one full time person per property per day. We do not know of any venue with this staffing density.
- ee. Churchills employ 150 people and are operational 24 hours a day, if the homes are given permission this could set a precedent for further residential development resulting in Churchills having to relocate. Which would result in the loss of many more jobs than is being created.

- ff. Seeing the golf club re-open would be welcomed along with an appropriately sized club house and facilities, however taken as a whole the proposed development would be at odds with the NDP, in which the green approaches into the village is appreciated.
- gg. Approving this would result in the NDP being seen by the community and developers alike to null, as the precedent of non-NDP compliant planning approval would have been clearly established.
- hh. Would reopen opportunity for housing directly opposite Churchhills, which has a 150 employed team rising to 200 in the coming years. If there is proximal residential development on the north side of Station Road, they would be unable to stay due to noise levels and the need to operate 24 hours a day 7 days a week.
- ii. If the owners really wanted to run a golf course they could from day 1 and not closed it.
- jj. The tees, greens and bunkers have all disappeared, and the cost of returning the course to a payable condition will be enormous.
- kk. The view across Godson's Hill will be ruined by the holiday lodges and is therefore unacceptable.
- ll. The existing golfers in the area will already be members of well established clubs and due to both inertia and the unattractiveness of a new club will be unlikely to join a new club.
- mm. Many of the local clubs already have a 9 hole course, a driving range and pitch and putt and therefore would be difficult to attract new members.
- nn. If the lodges are sold they will look after themselves and not create employment.
- oo. How can lodges be sold if the golf course does not exist. The course would have to be developed first and then the demand for holiday established later.
- pp. Golfers generally require accommodation with 1 or 2 bedrooms not 4.
- qq. Restrictions should apply if approved.

5.4. One Letter of support was on the following grounds:-

- a. Any building work would be minimal in comparison to what has been carried out.
- b. The buildings when completed would enhance the area
- c. Would bring more tourists and work for local residents
- d. It will bring employment to the area and an added attraction to the area.
- e. This development would have little disruption compared to what was contended with during the build of Persimmon Homes.
- f. If as a council you have passed planning for Mira at Bosworth Battlefield then surely something that will enhance the market town and residents visitors alike is a much more likely business to bring people to Market Bosworth.
- g. Retailers, Pubs and restaurants would have more customers.

5.5. Three letters was received neither objecting to or supporting the planning application, and makes the following points:-

- a. The current owner closed the course and informed them that he has no interest in golf, and there was no money to be made. The course closed resulting in members who had paid fees for the years losing 6 months membership.

- b. Looking at the proposed development, wonder if the golf course will ever be delivered or if it is how long it would remain open for.
- c. Worry that if this application is approved, once the holiday lets have been built the course will soon close, and subject to further application.
- d. Therefore if the application does go ahead it should be ensured that the golf course remains open for a minimum of 20 years to allow it to become successful business and another attractive addition to Market Bosworth.
- e. It is hoped that the golf course is open again
- f. Updated traffic survey and proposal to enhance the road access to provide a safer environment for pedestrians is welcomed.
- g. Concerns over the prominent area either side of a public right of way and cause a distinct change in the vista from one that is entirely rural.
- h. The design with elevated sections appears to make them even more prominent.
- i. Applicant does not own the access track from Station Road, and no notices have been served upon them as owners of the site.

6. Consultation

- 6.1. No objections, some subject to conditions received from:-

Sport England
 Environment Agency
 Ashby Canal Association
 Leicestershire County Council (Ecology)
 Leicestershire County Council (Highways)
 Leicestershire County Council (Archaeology)
 Leicestershire County Council (Public Rights of Way)
 Conservation Officer
 Environmental Health (Drainage)
 Environmental Health (Pollution)
 Hinckley and Bosworth Borough Council Waste

- 6.2. Lead Local Flood Authority have requested further information

- 6.3. No comments have been received from:-

Severn Trent Water
 Leicestershire County Council (Archaeology)
 English Gold Union
 Ramblers Association

- 6.4. Market Bosworth Society have objected on the following grounds:-

- a. The effect of the resubmission upon the important and sensitive approach to the Market Bosworth Conservation Area remains the same.
- b. The development of the proposed size and nature will have an enormous impact upon the entrance to Market Bosworth together with the view and vista.
- c. The entrance to Market Bosworth has been identified as significant in "An Appraisal of the Character of the Approaches to the Market Bosworth Conservation Area" 2013
- d. The application does not meet four of the Market Bosworth Neighbourhood plan (2014-2026) policies C1, CE1a, CE1b and CE3.

- e. The additional residents of 4 bedroom golf lodges together with those using the Multifunctional Recreational Facility is, potentially more than 100 people. This will create additional stresses on existing facilities, such as parking and GP appointments.
- f. With the exception of 2016 there has been a steady decline in the number of golfers for the preceding 10 years, which is set to continue. The statistics are based on what the stock market refers to as a 'dead cat bounce' Some of the population and area calculations seem to be based upon gross averages and national averages rather than local population. The accompanying data can not be relied upon to deliver an accurate assessment.
- g. Whilst the number of potential golfers within a 30 minute drive is reported, the number of competitor golf courses is not. The statistics provided does not make it possible to show how many active golfer there are.
- h. Table 2 is a broad brush stroke based on average numbers across England and Table 3 refers to golfers playing at least once per week. It is impossible therefore to use these statistics in a meaningful way to reach a firm conclusion.
- i. The cost of returning the land to a condition where it could function as a golf course has been omitted. It is therefore not possible to suggest that the cost of maintaining the golf course can be met from the income generated.
- j. The course has been neglected for the past two years and much more than daily mowing is required to maintain fairways and greens.
- k. There is no evidence that the sale of the lodges will cover the costs of rebuilding the course or maintaining it.
- l. The present owner has no interest in providing a golf course, this has been demonstrated by their actions, in closing the course to players.
- m. Previous member were effectively thrown off and suffered monetary loss and unlikely to return under these circumstances.
- n. Sale of lodges are unlikely to be successful without the course to play on.
- o. The reasons for refusal of 17/00528/FUL have no been defeated by 18/00732/FUL.
- p. The development would be out of character with the area and grossly out of portion. They would be a significant urbanisation of this site.
- q. Irreversible effect of such buildings on the vista. The land is designated green space and as such no such buildings should be permitted or even considered.
- r. The multi recreational building is unpleasing sight. The use of large barn doors and other features render it at odds with the surrounding area.
- s. Ergonomically inept that the Golf members lounge is as far away from the changing facilities as possible.
- t. There appears to be no disabled facilities included in the design for disabled golfers to make use of the first floor lounge.
- u. No toilet facilities in Georges hall, except those in reception.
- v. No kitchen servery for Georges hall, any food from the kitchen would have be passed over the bar which is impractical and a health and safety issue. Alternatively food would have to be delivered via the general corridor which connects the entrance and toilets at one end to the Golf member changes rooms and toilets and entrance at the other.

w. Inadequate toilet facilities.

6.5. Market Bosworth Parish Council have objected on the following grounds:-

- a. The submission has not materially addressed the reason for refusal on application 17/00528/FUL, not until such a time as a thriving golf course is in operation can need for additional developments proposed be demonstrated.
- b. Whilst the Landscape and Visual Baseline Report paras 3.15 to 3.28 contends that Policies CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan (2014-2026) as based on 'values' and have no worth, their counter arguments appear to be subjective and lacking significant evidence based on the Neighbourhood Plan. Local Values were paramount in defining the character areas of the Neighbourhood Plan.
- c. Supporting evidence relies on H&BBC Destination Management Plan, however the report misquotes the references e.g. DMP 8.3 the application ignores the introductory paragraph and implies the final bullet point is policy. Subject to planning permission and adherence to Local and Neighbourhood Plans.
- d. Although the plan shows proposed office space rather than residential accommodation to that previously submitted, the applicant has failed to demonstrate the need for creation of this facility and therefore there is no material change for this element.
- e. The proposed club house is a significant development with no proven need and until such a time as an established golfing business can demonstrate the need, viability and sustainability of this requirement the Parish Council cannot support such a development.
- f. Market Bosworth does not accept that the design resembles an agricultural outbuilding and even if it did, it would appear incongruous within the same visibility splay of the proposed clubhouse and buggy store. These dwellings would still result in being a prominent feature upon the approach to the settlement of Market Bosworth. This would have significant and detrimental impact upon the views and vistas on the approach to the settlement and views across the undulating countryside contrary to Policies DM1, DM4 and DM10 of the SADMP and CE1, CE3 and Ce5 of the Market Bosworth Neighbourhood Plan.
- g. Amendments regardless of material design accommodate the same number of holiday lets and therefore do not address concerns of scale, layout and siting.
- h. The Parish Council is unclear on the overall number of parking spaces.
- i. The proposed water feature shown to the front of the Clubhouse does not exist in the form shown on the plan. The comments in the decision notice reflect that this feature would require enlargement of the existing water pool and that two significant water fountains would be highly visible from the road. This would be incongruous with this area. This element has therefore not been appropriately addressed.
- j. Concerns are raised over the entrance to the proposed development is within a few metres of the proposed access to Station Field, the neighbourhood plan designated the area, for mixed use (housing and industrial units) on the opposite side of the road. The Station Field development identifies access for a minimum of 100 homes and increased commercial developments. Sedgemere development is also requiring access to this same road, with 45 houses, which would all considerable add to the traffic flow on this already busy road. Parish

Council believes any development of Kyngs site should be jointly responsible for any necessary improvements that will be required.

- k. Parish supports development that will generate local employment, the design and access statement identifies 59 FTE. However the golf course operated successfully with 4 FTE staff. The data table identifies 10 FTE would be required to operate Georges Hall, this suggests that the facility will be operating in a different capacity to meeting the needs of the golfers, or grossly over estimated, as well as the requirement for 15 staff to look after 47 bedrooms.
- l. It is incongruous that the application states removal of the 9 hole course in favour of building lodges, when the viability report identifies the success of 'Golf Express' which promotes nine-hole version of the game.
- m. The model does not guarantee that the golf course would be restored.
- n. It is explicit throughout all the other supporting evidence that the programme of activities is focused on the use of the 'clubhouse' to host large scale events together with the income generated from the holiday lets. No clear understanding how golf holiday lets will generate any income if there is no golf course to play on.
- o. The Parish Council would support a model which, a golf business is established, using the existing facilities with restoration of both existing 18 and 9 hole courses.
- p. An established golfing business provides an evidence based which determines the needs for appropriately sized clubhouse and the need for a small number of 1 and 2 bedroom golf holiday accommodation spaces.

6.6. Carlton Parish Council have objected on the following grounds:-

- a. Detached Holiday homes 1-9 are not well related to the remainder of the proposed built development.
- b. The holiday cabins constitute an unacceptable linear intrusion of obtrusive built development in an area of attractive open countryside.
- c. The proposed holiday cabins would be in a prominent position on raised ground, and in consequence would have an unacceptable visual impact on the area of high landscape value and an important approach to the Market Bosworth Conservation Area.
- d. Fails to respect the intrinsic character and beauty of the countryside contrary to Paragraph 109 of the NPPF.
- e. The proposed linear development of detached holiday cabins is not of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area, contrary to Policy 23 of the Core Strategy.
- f. The holiday cabins can be sited closer to the settlement boundary, can be more closely associated with other built development, will have a significant impact on the intrinsic value, beauty, open character and landscape character of the countryside and will constitute ribbon development, contrary to Policy DM4 of the SADMP.
- g. The proposed holiday cabins would not enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials or architecture features contrary to Policy DM10 of the SADMP.

- h. The proposed development of detached holiday cabins would have an unacceptable adverse impact on view 12 of the Market Bosworth Neighbourhood plan.
- i. The approach to Market Bosworth on public footpath S70 is described and illustrated on p10-11 of An Appraisal of the Character of the approach to the Market Bosworth Conservation Area (Market Bosworth Society, Nov 2013), and forms the evidence base of the Market Bosworth Neighbourhood Plan. The proposed development of detached Holiday cabins would have an unacceptable visual impact on this important approach to the Market Bosworth Conservation Area.

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- CE1: Character and Environment
- CE3: Important Views and Vistas
- CE5: Landscape of the Wider Parish

7.2. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 23: Tourism Development

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- North Warwickshire and Hinckley & Bosworth Destination Management Plan 2017-2020
- Landscape Character Assessment (2017)
- John Nix Pocketbook for Farm Management 2018 (48th Edition)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon Market Bosworth Conservation Area

- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Land Contamination and Pollution
- Impact upon Archaeology
- Impact upon Public Right of Way
- Planning Balance

Assessment against strategic planning policies

- 8.2. Paragraph 12 of the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and states that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 8.4. The application site is situated outside any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable. It is considered that two of the 5 criteria are relevant to this application.
- 8.5. Policy DM4 of the SADMP identifies that development in the countryside will be considered sustainable where proposed development is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; subject to it meeting further detailed criteria.
- 8.6. Secondly Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business. The applicant identifies within the supporting documentation that the proposed would create 59 full time equivalent jobs. However it is anticipated that this number would in fact be considerably less, given the estimations are based upon RICs employment density guidelines and not on actual predictions in line with the business. It is likely that, some staff would be held on a retainer and employed when there are special events or on holiday let change over days rather than being required on a full time basis. Nevertheless it is accepted that the proposed development and use would result in a degree of economic growth in addition to job creation, however it is not considered significant.
- 8.7. The application site, is not designated within the Site Allocations and Development Management Policies DPD, it is however identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility. Policy DM24 of the SADMP seeks to resist the loss of or change of use of cultural and tourism facilities, and redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:
 - a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
 - b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or

- c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
 - d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.
- 8.8. The proposed scheme includes the erection of a Golf Club house, which would operate along side the existing golf course, if brought back into use. In addition to the club house the proposal also includes the erection of holiday accommodation in the form of 15 self catering units, which would be situated upon land which currently provides a 9 hole golf course. The proposed scheme would therefore result in the loss of the 9 hole golf course.
- 8.9. The applicant does not propose to replace the 9 hole golf course, and there is no evidence or supporting justification which identifies that the 9 hole golf course is no longer necessary. The existing 9 hole practice Golf Course would be removed to allow for the proposed holiday homes. The John Nix Pocketbook for Farm Management (2018 48th Edition) identifies 'the golf market is aging and whilst all sorts of attempts have been made to interest youngsters, other sources of entertainment appear to hold a greater attraction.' The applicant acknowledges in its supporting documentation, golf business viability report, that newcomers and returners to the sport were attracted by 'Get into golf' opportunities offered across the country; of particular success was Golf Express which promotes a 9 hole version of the game to encourage busy people to play more often. In a trail in Staffordshire over 4,600 nine-hole rounds were played in eight months. Additionally a study is referenced by the applicant 'European Tour: Golf Activities Survey 2015' this identifies that golf activities other than that of the traditional 18 hole are becoming more popular which are often shorter formats of the sport which include Driving Range (3.1million active users), Pitch and Put (2.3million active users), Nine Hole Courses (2.2 million active users), Putting Greens (1.7 million active users) and Par Three of Short Courses (1.2 million active users). This study also identifies other non-traditional formats including Adventure or Mini-Golf (2.7 million active users), Golf Computer Games (1.9 million active users) and Golf Simulators 0.4 million active users). It is acknowledged that the applicant is proposing a Golf Simulator but it is clear from the evidence stated above that this does not attract as much interest as a nine hole course. The loss of the nine hole course would result in less choice for members and no supporting justification or consideration has been provided to outline the likely impact this may have for prospective members and future member numbers and sustainability of the Golf Course. It is therefore not clear that the development of the proposed lodges would help to support the existing service and facilities a golf course could provide as they would result in the loss of the golf provision on site. Therefore it is considered that the proposal would not result in either an appropriate replacement or an enhanced culture and tourism facility, in accordance with the criteria c and d of Policy DM24 of the SADMP.
- 8.10. Policy 11 of the Core Strategy seeks to support the development of the tourism industry within Key Rural Centres Stand Alone, for which Market Bosworth is considered to be. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:
- The development can help to support existing local community services and facilities: and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping: and
 - The development adds to Hinckley & Bosworth's local distinctiveness:
 - Complements the tourism themes of the borough: and

- The development adds to the economic wellbeing of the area.

- 8.11. The proposed development would provide a clubhouse to support the existing golf course and also seek to provide on site accommodation. The on site accommodation would be in the form of 15 holiday home, to be occupied on a short term basis, of no more than 28 consecutive days. The North Warwickshire and Hinckley and Bosworth Destination Management Plan (2017-2022) identifies that there is a strong market for self catering accommodation across most of the year, with there being strong occupancy rates for these types of facilities. It also identifies that there are development opportunities for holiday cottages as well as other types of accommodation to cater for the potential scale of tourism growth.
- 8.12. The applicant has provided details of the proposed business plan for the scheme as a whole; however this lacks in some detail of the finer points of the business and the proposal and leaves unanswered questions, such as the Gross Development Value, build cost of the clubhouse, build costs and purchase cost of lodges and their subsequent sale, the cost of bringing back the course to an acceptable standard and continued maintenance of the site and is therefore considered insufficient to be able to provide the full and detailed viability of the proposed development. The business plan identifies that at least 9 of the proposed lodges would be sold to secure the funding and development of the proposed Club House, and as such the lodges are seeking to be provided as an enabling development to bring the Golf Course and an associated Club House back into use. Although the submitted business plan provides details on the expected number of employees and the completed golf courses and lodges turn over, there is no viability assessment submitted as part of the business plan which includes the Gross Development Value, and the need for proposed lodges to provide the finances to enable the development of the Golf Club House. It is also anticipated that due to the passage of time in which the golf course has not been in use, a significant amount of money would be required to bring this back up to a playing standard of which does not appear to have been taken into consideration as part of the submitted business plan.
- 8.13. The cost of the construction of the club house and its ongoing maintenance has not been provided within the golf club viability report submitted with the application. The building includes a function room 'George's Hall' which is considerable in size (approximately 5 times bigger than the member's room) which could have considerable maintenance and upkeep costs. Whilst the principle of a function room for hire is acceptable within a golf club house the size and scale should be proportionate and its use should be ancillary to the main golf club use. The golf business is not established and therefore the cost of construction and upkeep of the club house could be fundamental to the success of the business. The figures provided by the applicant show that once the business has been established for 3 years, room rental and golf buggy hire is expected to be approximately £20,000 a year. This does not outline however how much of this would be for the room hire and if this would off set the cost of staff, room maintenance and upkeep to form a sustainable viable business. The applicant has not adequately demonstrated the need for the scale of the function room. It is noted that the applicant has reduced the scale of the building and removed the previously proposed outbuildings following comments from officers, however due to the lack of viability information discussed previously, including the start up costs of the business/construction of the building and maintenance costs, and the lack of demonstrated need for the scale of the function room these reductions do not overcome officers concerns. For these reasons it is not possible to conclude that the scale of the proposed club house is acceptable and proportionate to the needs and viability of the future golf club business.

- 8.14. The proposed development would also have an impact upon the existing golf course, both the 9 hole and 18 hole courses which currently exist would be impacted by the proposed development. To allow the development of the Clubhouse and the proposed parking provision the 1st and 18th hole would be affected, and require the land to be regraded and the holes altering to allow the development, which would result in further costing which has not been presented for consideration. No plans have been submitted to identify how this would be resolved, to ensure the remaining 18 hole course would be retained. Additionally the 'red line' for this application is drawn tightly and any further engineering works to regrade the land and change holes would likely require planning consent outside the scope of this permission. Given the impact the proposed development of the club house and the associated parking, it is likely that the development would hinder the function of the Golf Course, and no evidence has been provided to demonstrate this would not be the case.
- 8.15. Although the proposed lodges would be situated within the grounds of an existing golf course, occupiers would have to pay an additional greens fee to access facilities. Therefore whilst the applicant identifies they are in connection with the golf club there is no evidence to show that the people staying in the lodges would have any involvement in the golfing element of the site. The proposed holiday homes due to the design, scale and required engineering works would be over and above what would be typically required to provide an element of over night habitation ancillary to the use, and due to the nature of the development results in a proposal, which seeks to be permanent in nature, contrary to the soft and temporary nature usually provided in new build self catering holiday homes within the countryside, which can be readily renewed or taken away when the use is no longer viable.
- 8.16. The principle of development of the site to provide a Club house to complement the existing courses and improve the existing on site leisure activities would be in accordance with Policy DM24 of the SADMP.
- 8.17. The development of the clubhouse and the proposed lodges would however result in the impact upon the existing 18 hole golf course and the loss of the 9 hole course, which would result in less choice for prospective members, the impact of which has not been addressed within the submission. Given the further understanding of the impact the proposed development would have upon the existing golf course, it is considered that this loss would be detrimental upon the golf course. The applicant has also failed to demonstrate that there is a viable need and justification for the scale of the development and therefore this application has not overcome reason for refusal 1 of 17/00528/FUL. The applicant has failed to demonstrate that there is a viable need and justification for the scale of the development, including the holiday lodges, which is necessary to bring the course back into use, which is contrary to Policies DM1, DM4 and DM24 of the SADMP and Policy 23 of the Core Strategy.

Design and impact upon the character of the area

- 8.18. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in the manner commensurate with the statutory status or identified quality in the development plan) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 8.19. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character.
- 8.20. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.21. The Market Bosworth Neighbourhood Development Plan (MBNDP) was adopted in 2015 and therefore full weight is afforded to relevant policies within the Document. The Market Bosworth NDP, identifies the site as falling within Character Area A, and describes the site as follows:-
- “A large, landscaped 126 acre site forming an 18 hole golf course and associated facilities. The course spans north to the parish boundary of Carlton”
- 8.22. The Market Bosworth NDP describes the character as:
1. Open landscape features including open bodies of water and green countryside landscape
 2. Large wide open aspect (within individual sites)
 3. Outdoor leisure pursuits including water based activities
 4. Heritage
- 8.23. Policy CE1 seeks to ensure that all new development within the Neighbourhood Plan area of Market Bosworth should in keeping with its Character Area with regards to scale, layout and materials. Policy CE3 of the Market Bosworth NDP (Important Views in Vistas) seeks to restrict development which would harm important views and vistas as defined in the NDP. The proposal falls directly within defined Character Area A. Policy CE5 of the Market Bosworth NPD identifies that development outside the settlement boundary will be permitted for sport or recreation where it does not cause harm on the landscape or biodiversity of the countryside.
- 8.24. The application site is identified within the Market Bosworth NDP as the Kyngs Golf Course as providing and contributing to the approach into Market Bosworth from the west along the B585. The Market Bosworth NDP identifies this view as being important because it shows how close the countryside is to the built form of the village and the fact that the settlement sits on an open wooded hilltop. The site also forms an important vista due to its extensive views of north west Leicestershire.
- 8.25. Policy 23 of Core Strategy seeks to ensure that development relating to tourism is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping.
- 8.26. The application has been supported with the submission of a Landscape and Visual Baseline Report, which provides a full assessment of the impact the proposed development would have upon the local and wider landscape. The Landscape and Visual Baseline Report, provides consideration of landscape assessment in relation to effect of landscape character and landscape visual impacts. The report references that the assessment has been carried out taking into consideration the guidelines for Landscape and Visual Impact Assessment; however the methodology is not set out in detail within this report.
- 8.27. The application site is situated within Character Area C, Bosworth Parkland as identified within the Landscape Character Assessment (2017). Key characteristics of this area are of rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Mark Bosworth. The golf course comprises of approximately 48 hectares of former agricultural land situated within

the countryside. Due to the nature of a golf course the agricultural landscape has been altered however over time this has matured into the landscape and retains the open and verdant nature of the countryside. An existing footpath also crosses through the site in a general east to west direction.

- 8.28. The public right of way runs from the east and travels to the north west across the golf course. The majority of the views from the public right of way currently comprises of undulating golf course, a belt of woods which define the approach into the settlement, and the existing small scale buildings on site, which are largely restricted by views due to the existing topography of the site, providing a verdant and rural character. The approach into Market Bosworth from the B585 also affords a rural and verdant due to the green nature of the golf course, set back from the highway by two parcels of pasture land and enclosed and defined by native hedgerows.
- 8.29. The submitted Landscape and Visual Baseline concludes:
- “in terms of wider views (as identified within this report) the site and proposal are relatively well contained. There will be restricted material changes to the immediate setting of public footpath S70 crossing the site, but this level of effect is restricted to the immediate setting of the site and the modified landscape are not considered significant to the planning decision making process can be fully mitigated over time.”*
- 8.30. The Landscape and Visual Baseline, seeks to mitigate the impact of the proposed development with the use of trees and vegetation growing to make the impacts of this development acceptable.
- 8.31. The site although undulating does generally rise up to the east travelling up towards the settlement. An existing belt of woodland defines and contains the east edge of the golf course. Nine large contemporary holiday homes are proposed as part of this application, which would extend around this eastern edge of the site, and curve round west towards a centrally located tree planted area centrally within the golf course. To the east of the golf course, there are two existing dwellings which are easily viewed adjacent to the site, the most significant is Godson Hill Farm, which is a substantial one and half storey dwelling which is situated adjacent the golf course, and a two storey dwellings situated within the trees beyond Godson Hill Farm and upon a higher land level due to the incline as you travel up towards the settlement of Market Bosworth.
- 8.32. The 9 proposed contemporary holiday lodges would be built along this east edge and extend north into the site. The lodge would be positioned beyond any existing built form. The proposed holiday homes would reside upon piled foundations elevating them above the existing ground level. The proposed lodges would be elevated above the existing ground levels by a minimum of 1 metre to a maximum of 2.5 metres as the land drops away from under the lodges and the buildings would then sit above this to a maximum height ranging from a minimum of 5.5m to a maximum of 7.2m. Wild planting and grass is proposed in the area to the west of the lodges, where proposed landscaping would be allowed to grow unmanaged. The introduction of built form along this eastern edge, in an elevated position would create a prominent feature, and significantly alter the character and verdant nature of the site. The lodges would introduce areas of hard surfacing in the form of accesses, resulting in the domestication and urbanisation of this area of countryside, which would be highly visible from the footpath S70 and also from passing traffic along the Station Road. The introduction of built form and hard surfacing would alter the character of the golf course landscape, to one with built

form, the introduction of additional tree planting and landscaping would not mitigate this impact.

- 8.33. The proposal also seeks the provision of 6 holiday homes, which would be in the form of a neo-traditional building, in the form of a single storey courtyard development. The proposed courtyard development would be situated along the south of the site, and generally south east of the Club house. Although courtyard developments are not uncommon outside settlement boundaries, the proposed development would not be of a conversion scheme, and is new development, which is not a common feature within the countryside, and its neo-traditional appearance does not overcome this fact. The proposed courtyard development seeks to provide six, 2 bedroomed self catering accommodations, however given the permanent nature of the proposed development, similarly to the 9 lodges proposed, the structures are proposed to be permanent, which is contrary to the nature typically characterised to cater for new build tourist accommodation. Where the development by its nature and design are softer in appearance, scale and less intrusive in terms of their development and permanent nature, which affords for tourist accommodation to be readily removed when no longer required. The proposed lodges would be served by a proposed internal access, which would cater for vehicles, this results in the application proposing significant areas of hard surfacing being laid which further erodes the green and verdant nature of the site, this would be particularly apparent on the approach into the site.
- 8.34. Footpath S70 crosses through the site in a general direction of east to west, and would pass between lodges 2 and 3 and pass through the site. At present the footpath descends along the rear of the Market Bosworth settlement boundary and into the surrounding rural countryside, the footpath enters the site from a wooded area and into the course. This application would introduce built form which protrudes from this hillside, and the proposal would alter the character of this section of footpath as it passes through the site. From the footpath the development would be highly visible.
- 8.35. The proposed holiday homes would be widely visible on the approach into the settlement of Market Bosworth, which is an identified vista within the Market Bosworth Neighbourhood Plan due to extensive views of north west Leicestershire and the undulating fields. The area is also identified as being an important view along the B585 due to the views of mainly countryside, and shows how close the countryside is to the built form of the village and the fact that the settlement sits on an open wooded hilltop. The introduction of built form would significantly alter the character and the approach into and out of the settlement of Market Bosworth, to its detriment, as the development would be situated upon a prominent approach into the village, no longer defining the transition from the rural into the settlement, which contributes to the sense of place, and would appear as new build dwellings within the countryside. Therefore reason for refusal 4 of planning decision 17/00528/FUL has not been overcome by this application.
- 8.36. There has been a previous permission (2008) on this site for a club house with car parking, landscaping and associated facilities. That scheme proposed a predominantly single storey building, with a 121 space car park. The building was located at the head of the entrance to the site. The scale and location of the proposed club house has altered to that previously permitted. Additionally it is important to note that the Market Bosworth Neighbourhood Plan was adopted after the 2008 permission and therefore the consideration of the proposed building within vista 11 must be considered. The current application seeks permission to erect a club house along with formal parking provision for 139 cars in addition to a large area of over spill parking which would be finished in reinforced grass. The proposed club house would be situated to the west of the entrance of the site, with the

proposed parking extending to the south and wrapping round the west side of the proposed club house.

- 8.37. Whilst it is acknowledged that a golf club must be supported by a club house and one would need to be accommodated on the site its impact upon the character and visual impacts of the area must be considered and acceptable to create sustainable development. The proposed application seeks to site the proposed club house to the west of the existing access serving the golf course, and would be set further back into the site, than the previously approved application. Following discussions with officers the applicant has lowered the height of the building from the original submission. The club house would be residing upon an angle, and roughly 'T' shaped, with an entrance and principle elevation forming the head, and the function rooms beyond. The proposed building would have dual frontage and with the south east facing elevation, being more dominant in scale. The head of the 'T' would be 2 storeys in scale with an overall height of approximately 8.9 metres to the ridge, reducing down to single storey with an overall ridge height of approximately 8 metres. The proposed building would be situated within vista 11 as identified within the Market Bosworth Neighbourhood Plan. The proposed club house is considerable in scale and height and would therefore cause a degree of harm to this vista by virtue of the introduction of built development. Therefore reason for refusal 2 of planning decision 17/00528/FUL has not been overcome by this application.
- 8.38. To the south and west of the proposed golf club house, would be an area of on site parking to cater for 205 parking spaces, situated around an existing pond which would be centrally situated. Previous planning approval (app ref 08/00750/FUL) for the erection of an associated golf club house sought to provide and include a 109 car park. The proposal seeks a significant increase in parking provision due to the aspiration for additional uses to be catered for within the Club House such as creating a wedding venue, which is an acceptable and compatible use often associated with Golf Courses, to aid and supplement income. To avoid excessive areas of hard surfacing, the additional overflow parking required by any additional ancillary and supplementary uses such as weddings would be provided within a area of reinforced grass which would be unlit. Lighting within the car parks are limited to LED low level bollard lighting further reducing imposing built form outside the settlement boundary and within the countryside. Whilst it is accepted that the proposed parking would have some impact upon the countryside, due to the proposed landscaping and finishes in terms of the use of reinforced grass and low level lighting it is considered the proposed parking would not result in a such a significant impact upon the countryside to warrant a refusal on this matter. Reason for refusal 6 of planning decision 17/00528/FUL has therefore been overcome, through the submission.
- 8.39. The proposed application has removed the previously approved buggy garage and separate building for a golf simulator, the golf club house has also removed the residential flat previously proposed within the first floor, and therefore reasons for refusal 3 and 4 of planning decision 17/00528/FUL are not relevant to this application. The existing lake, which is situated to the south of the clubhouse is to be retained in a natural state, without any over engineering, to create the previously proposed domestic lake in this countryside location. Therefore this application has overcome reason for refusal 7 of planning decision 17/00528/FUL.
- 8.40. The proposed development due to the scale and amount of buildings proposed would introduce a significant amount of built form in an otherwise rural and verdant area, where views into and out of the site are readily available. The proposed development would have a significant and detrimental impact upon the character and appearance of the area, and views and vistas identified within the Market

Bosworth NDP, where the distinguishable character between the settlement boundary of Market Bosworth the surrounding countryside provides an important and defined approach into the settlement of Market Bosworth, and would be contrary to the aims of Policy DM4 and DM10 of the SADMP, Policy CE1, CE3 and CE5 of the Market Bosworth NDP and Policy 23 of the Core Strategy.

Impact upon the Market Bosworth Conservation Area and other heritage assets

- 8.41. The site is considered to be located within the wider setting of some heritage assets including the Market Bosworth Conservation Area, the Ashby Canal Conservation Area, and a number of listed buildings, so consideration must be given to the impact the proposal may have on these heritage assets.
- 8.42. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced. Development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.43. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.44. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.45. Market Bosworth is a ridge top settlement and the Market Bosworth Conservation Area Appraisal identifies the settlement as being influenced by its agricultural economy and the strong manorial tradition based on Bosworth Hall within its parkland setting. The approach to Market Bosworth is through woodland pasture and traditional parkland, development is screen by substantial groups of mature native trees with the spire of the grade II* listed St Peters church visible above this tree line. All routes into Market Bosworth converge on the Market Place which is the centre of the Conservation Area.
- 8.46. The Market Bosworth Conservation Area Appraisal states that from the west (and where the application site is located), Station Road enters the settlement primarily through modern development with only isolated examples of buildings which pre-date the first world war. Beyond the railway bridge, which is situated to the west of the application site, the approach to Market Bosworth and the conservation area centre gently rises up to a wooded knoll with wide vistas of countryside to the north, where the application site resides, and continuous development to the south. The western boundary of the conservation area is still located some distance to the east from the application site, and is only visible as occasional glimpses of the church spire located within its centre. The historical relationship between the church and its surrounding agricultural landscape is only apparent when the church can be viewed, but such glimpses allow for a sense of appreciation of the church, the conservation area within which it is located, and their wider settings. Therefore the current largely undeveloped and semi-rural character of the site sits comfortably within the wider setting of the church and the conservation area and is considered

to make a positive, although very minor, contribution to the significance of these heritage assets. While the vista to the north of Station Road, would alter, the wooded knoll which characterises the ridge of the settlement and the approach into Market Bosworth and the conservation area beyond would remain visible, as would the occasional glimpses of the church spire. Therefore the proposal is considered to have a neutral impact on the setting of the Market Bosworth Conservation Area and the grade II* listed St Peter's church, thus preserving the significance of the conservation area and being compatible with the significance of the listed building.

- 8.47. Located further to the west of the application site is the Ashby Canal Conservation Area. At its nearest point the Ashby Canal is screened from the site by modern development, although there are occasional glimpses of the site from the canal from other vantage points along its length. The semi-rural nature of the site sits comfortably within the wider setting of the canal as it winds through a predominantly rural and semi-rural landscape. Subsequently, the current character of the application site is considered to make a neutral contribution to the significance of the Ashby Canal Conservation Area. The layout, form, and appearance of the proposed development accompanied with the proposed soft landscaping scheme would mean there would be no discernible change to the occasional glimpses of the site from the canal. In this regard it is considered that the proposal would have a neutral impact on the setting of the Ashby Canal Conservation Area and consequently preserve its significance.
- 8.48. There are other grade II* and grade II listed buildings located within the wider vicinity of the application site. However there is no visual or other relevant relationship between these listed buildings and the application site, and consequently the application site makes no contribution to the significance of any listed building other than the grade II* listed church as identified above. The proposal in its current form will have no adverse impact on any of these additional listed buildings.
- 8.49. In light of the above, it is considered that the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area and the Ashby Canal Conservation Area, and would be compatible with the significance of the grade II* listed St Peter's Church by having no adverse impact on its wider setting. The proposal is therefore in accordance with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF, and complies with the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.50. Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.51. The nearest residential dwelling would be Godsons Hill Farm which is situated to the east of the application site and positioned upon an elevated position to that of the golf course. The proposed holiday homes would be positioned sufficient distances from this dwelling as to not result in any loss of amenity in terms of overshadowing or overlooking.
- 8.52. The proposed development would not result in any adverse impacts of neighbouring residential amenity and would therefore comply with Policy DM10 (a) of the SADMP.

Impact upon highway safety

- 8.53. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.54. Given the scale of the proposal the application has been accompanied with a Stage 1 Road Safety Audit, and a Transport Assessment. This has taken account of existing traffic conditions, accessibility, and sustainable modes of transport, accidents and vehicular impacts.
- 8.55. The applicant proposes that the site would be accessed and served via the existing access which is positioned to the north side of Station Road, which is C Classified Road subject to a 30mph speed limit. There has been two recorded accidents within 250 metres of the access during between 2013 and 2017 (Inclusive), and resulted in slight injuries due to the shunt nature of the accidents, which was likely caused due to drivers exceeding the speed limit.
- 8.56. The scheme proposes to upgrade the existing access with a simple priority junction to accommodate the proposed additional traffic to be generated. The design of the improved junction has been submitted as part of the applicants Transport Assessment. The scheme proposes to widen the existing access serving the site, increase the kerb radii and improved visibility splays along Station Road, give way markings and 'SLOW' markings to be provided within Station Road, on the approach to the Golf Course. In addition to vehicular safety, the scheme also seeks to incorporate and provide a pedestrian crossing point, with dropped kerbs and tactile paving set back from Station Road to allow pedestrians to safely cross the access serving the course and the widening of the pedestrian footpath along the northern side of Station Road to 2 metres. Leicestershire County Council (Highways) have considered the application, and have no objection subject to conditions which relate to visibility splays, kerb radii and access width specification
- 8.57. In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. On this basis, the scheme is considered to be in accordance Policies DM17 and DM18 of the adopted Site Allocations and Development Plan Policies DPD and the guidance contained within the NPPF. The development is not considered to result in a severe highway impact in accordance with Paragraph 109 of the NPPF and the application has overcome the reason for refusal 9 of planning decision 17/00528/FUL through its submission.

Impact upon Drainage and Flood Risk

- 8.58. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage) and the Environment Agency.
- 8.59. The applicant has submitted a Flood Risk Assessment (FRA). The site is located in flood zone 1 (low less than 1 in 1,000 annual probability of flooding). The proposal includes a drainage strategy which seeks to utilise Sustainable urban Drainage features across the site, with surface water drainage being provided in new below ground gravity drains to achieve acceptable surface water run off rate. It is proposed that the Clubhouse and car parking areas are to discharge through the proposed below ground drains, via voided stone attenuation, within the car park and then subsequently into the attenuation ponds. Units 1-6 would be provided with storage by using voided stone tanks below permeable paving and the existing attenuation pond to attenuate a minimum of 500Cu.m of runoff with the discharge

via an orifice flow control chamber into an existing ditch to the West of the application site. Units 7-15 will utilise a series of conveyance swales, pipework and attenuation ponds 2 and 3; pond 3 has an existing pumping house and it is proposed that the pump is replaced to ensure the 5l/s discharge rate is achieved.

- 8.60. It is proposed that foul drainage would be provided through below ground private gravity drains, and treated using a bio disc filtration system prior to connection into the an ordinary watercourse, to be confirmed.
- 8.61. The Lead Local Flood Authority have considered the submitted drainage strategy and Flood Risk Assessment and have requested further information to be provided to ensure the proposed drainage strategy can be delivered as proposed, due to the catchment to the west seeking to discharge via land outside the indicated ownership. Further calculations have also been requested to ensure adequate storage is afforded on site. Further information has been submitted and are subject to consultation with the Lead Local Flood Authority, members will be updated through late item prior to committee.

Impact upon Ecology

- 8.62. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.63. The application has been accompanied by an Ecology mitigation strategy, the content of which has been considered by Leicestershire County Council (Ecology). In addition Leicestershire County Council (Ecology) have carried out a site visit to the site, to allow a brief habitat survey of the site to carried out, and raise no objections subject to conditions. The survey of the site found that majority of the site is improved grassland, managed as a short grass for the golf course with minimal diversity. However ponds situated within the golf course and the application site do meet the Local Wildlife criteria, a long with a mature Oak tree, a 6 metre buffer around these ponds are therefore proposed, and would comprise of semi natural vegetation. The proposal seeks to amend the management of the grassland surrounding the ponds which would be positioned adjacent to the lodges along the east boundary, and the addition of wildflower seed in this area would increase diversity and the planting of specimen native trees to be incorporated. A condition is requested for the submission of all proposed planting mixes prior to development.
- 8.64. There are a number of ponds within and adjacent to the application site, with a pond situated immediately to the south of the site identified as supporting a 'medium' population of Great Crested Newts. The majority of the application site is in its present state currently sub-optimal for Great Crested Newts but the banks at the edges of the course provide suitable terrestrial habitat. The use of amphibian fencing would restrict Great Crested Newts to the suitable areas of habitat which would be managed appropriately and would minimise the risk of them entering the 'operational' area of the site. The proposed mitigation strategy seeks to provide a short term and long term mitigation strategy, with long term proposals seeking to encourage Great Crested Newts to move into the site and into newly created habitats. Prior to development it is necessary to seek the submission of a Habitat management Plan to be submitted and approved, which includes full details of how existing and proposed habitats are managed, with further details on proposed enhancements surrounding the existing ponds.
- 8.65. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements. The

application has therefore overcome reason for refusal 8 of planning decision 17/00528/FUL.

Land Contamination and Pollution

- 8.66. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development.
- 8.67. No ground investigation report has been submitted nor a noise report in support of the application. Environmental Health (Pollution) have no objection to the principle of development, however due to the omission of details of the types of activities and uses which may be carried out on site within the club house, Environmental Health (Pollution) have requested further details are supplied to assess any potential noise sources. However such activities can be controlled by other legislation such as Licensing and the imposition of conditions.
- 8.68. The proposed development would require pile constructed foundations as well as more conventional foundation forms, due to the undulating topography of the site and the proposed extent of the development the imposition of conditions relating to the investigation and monitoring of land contamination and landfill gas are deemed reasonable and necessary to ensure there is no risk of pollution in accordance with Policy DM7 of the SADMP.

Impact on archaeology

- 8.69. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.
- 8.70. Leicestershire County Council (Archaeology) advises that having checked against Historic Environment Records it is not necessary that any archaeological work will be required as part of the scheme in accordance with Policy DM13 of the adopted SADMP and the overarching principles of section 12 of the NPPF.

Impact upon Public Right of Way

- 8.71. An existing public right of way S70 runs through the proposed development east to west across the site. The proposal would allow the existing footpath position to travel through the site, with a break between two of the proposed holiday homes. Leicestershire County Council (Public Rights of Way) have no objection to the proposed development, as the proposal would not effect the public's use and enjoyment of the Right of Way, however the proposed line of the footpath submitted within the application, has a slight discrepancy when compared to the registered layout. A number of conditions relating to the proposed boundary treatments and management of the existing footpath are considered necessary to ensure that the landscaping and finish of the proposed footpath is considered and appropriate.

Planning Balance

- 8.72. The proposal does not accord with the development plan in respect of its isolated countryside location remote from services and facilities. Therefore the presumption in favour of sustainable development under paragraph 11 of the NPPF does not apply in this case.

- 8.73. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore it must be considered whether there are any economic, social or environmental benefits arising from the scheme (as detailed in paragraph 8 of the NPPF) that would outweigh the significant conflict with adopted Development Plan policies and national planning guidance.
- 8.74. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:
- 8.75. In terms of economic considerations, the proposed development would provide a benefit to the local economy through the creation of jobs, resulting from this proposed development, which would benefit the local economy, however the total number of full time jobs that would be created is not clear. The scheme would also provide some benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider rural area. In addition tourism accommodation would contribute to additional spending in the local area. However only limited weight can be given to the economic benefits of the site, as they have not been fully demonstrated.
- 8.76. Socially there would be benefits for the continued maintenance of the golf course which is a leisure resource for the local area.
- 8.77. Environmentally the proposal is situated outside the settlement boundary, and has been concluded to have significant harm upon the character and landscape visual impact of the area. The proposal would seek to incorporate ecology and biodiversity enhancements; however this is not considered to outweigh the identified harm.
- 8.78. Although the proposed development would result in some benefits in terms of the local economy and however this benefit would not outweigh the harm to the impact the proposed development would have upon the environment as outlined within this report, which would significantly and demonstrably outweigh the benefits, when assessed against the NPPF.

Other matters

- 8.79. A comment has been received in respect of land ownership of the access to the site. This is a civil matter, however further clarification has been requested from the agent on this matter.

Equality Implications

- 8.80. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.81. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

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

10. Conclusion

10.1. The application site is situated within the countryside, adjacent to the settlement boundary of Market Bosworth. The application proposes the provision of a clubhouse and the erection of 15 holiday lodges. Whilst the need for a club house on site is considered in principal to be acceptable, the supporting information fails to adequately address the viable need and justification for the scale of the development proposed to enable the golf course to be brought back into use. The proposed development would result in the loss of two of the 18 holes of the Golf Course raising questions about the future functionality of the golf course. Additionally the proposal removes a 9 hole course, resulting in less choice for prospective members, the impact of which has not be addressed. As such the principle of the development would be contrary to Policies DM1, DM4 and DM24 of the SADMP and Policy 11 and 23 of the Core Strategy.

10.2. It is considered that the proposed development and associated infrastructure by virtue of the scale, siting, layout and design would have a harmful impact upon the character of the countryside and verdant nature and the area. The proposed development would also have a significant detrimental impact upon the identified import views and vistas of Market Bosworth which contributes to the settlements setting. The development would have a significant adverse urbanising impact on the character and appearance contrary to Policies DM1, DM4, DM10 and SADMP, Policies CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan and Policy 23 of the Core Strategy.

10.3. Notwithstanding the above, the impact of the development on neighbouring amenity, drainage, pollution and highway safety has been found acceptable and capable of being controlled by conditions.

10.4. The application as submitted is therefore contrary to the Council's adopted Development Plan and there are no material considerations which indicate that these policies should not apply.

11. Recommendation

11.1. **Refuse planning permission** subject to the following reasons:

11.2. Reasons

1. The proposed scheme would relate to an existing recreation facility outside the settlement boundary of Market Bosworth. The applicant has failed to demonstrate that there is a viable need and justification for the scale and type of development proposed and would not be ancillary to the existing golf course. It is therefore considered that the proposed development is contrary to Policy DM1 and DM4 of the Site Allocations and Development Management Policies DPD and Policy 23 of the Core Strategy (Dec 2009).

2. The proposed clubhouse and holiday homes by virtue of their scale, layout, siting and design, would be positioned within a prominent and sensitive location outside the settlement boundary of Market Bosworth, which would neither complement nor enhance the character and appearance of the countryside. Furthermore the proposed holiday homes would have a significant adverse detrimental impact upon the views and vistas on the

approach to the settlement and views across the undulating countryside into Market Bosworth contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Plan, Policy CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan (2014-2026).

3. By virtue of the proposed layout of the development, the scheme would result in the loss of a 9 hole golf course, and the relocation of the 1st hole and 18th hole of the existing 18 hole golf course, resulting in less choice for members. The applicant has failed to demonstrate that the impact upon the existing golf course would not have an adverse impact upon the functioning of the course and its overall long term viability. Contrary to Policies DM1 and DM24 of the Site Allocations and Development Management Plan and Policy 23 of the Core Strategy (Dec 2009).

11.3. **Notes to Applicant**

1. This application has been determined in accordance with the following submitted details:- Planning Application Form, Transport Statement, Ecology Report, Market Assessment and Business case, Landscape and Visual Baseline, Planning Design and Access Statement, received on the 24 July 2018, Site Location Plan A-PL-002, Proposed elevations units 1-6 Dwg No.HMD/PD/0377/013, Proposed Floor plans units 1-6 Dwg No HMD/PD/0377/012, units 2,3 and 8 (type B) Dwg No. HMD/PD/0377/10, units 1,5 and 6 (Type A) Dwg No. HMD/PD/0377/07, Unit 7 (type D) Dwg No. HMD/PD/0377/08 and Unit 4 and 9 (Type C) Dwg No. HMD/PD/0377/09, received 24 July 2018, Landscape masterplan GL0945 14A 13 August 2018, Proposed elevations Dwg No. HMD/PD/0377 Rev A, Floor plans Dwg No. HMD/PD/0377/04 Rev A – 21 September 2018, Proposed access and highway works plans HAS-17-030-01A, HAS-17-030-02A and HAS-17-030-03A received 5 October 2018, Proposed Site Plan Dwg No A-PL-001 Rev H received on the 10 October 2018, Drainage strategy FW1219/DS/001 v1, v2 and v3 received by the Local Planning Authority on the 11 October 2018.