

**Planning Committee Report 9<sup>th</sup> April 2024  
Report of the Head of Planning**

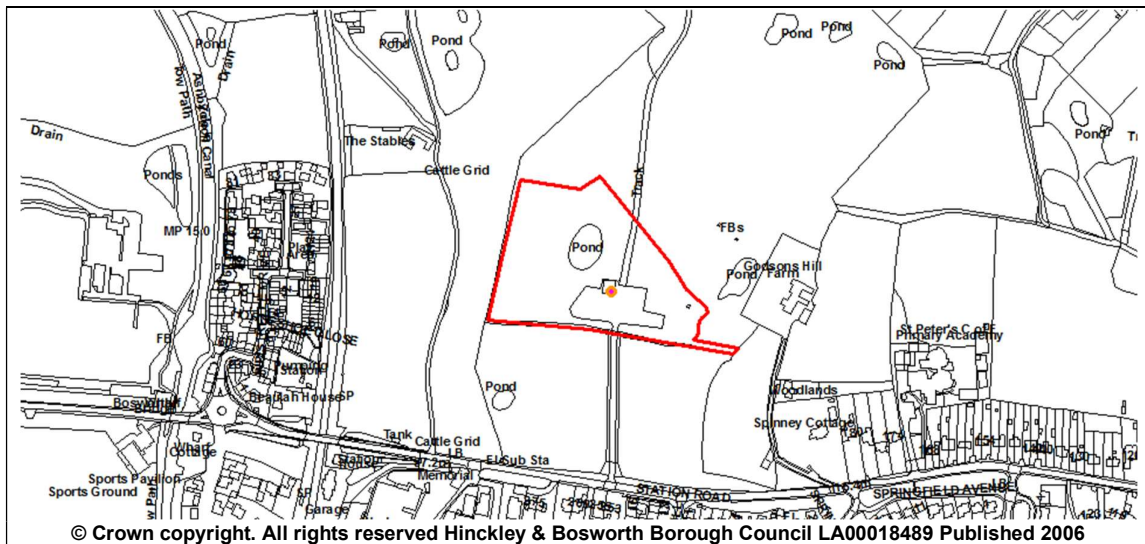
**Planning Ref: 24/00019/FUL  
Applicant: STATUE HOMES LTD  
Ward: MB – Cadeby, Carlton, M Bosworth & Shackerstone**



Hincley & Bosworth  
Borough Council

**Site: Kyngs Golf and Country Club, Station Road, Market Bosworth  
Nuneaton**

**Proposal: The proposed erection of a 50x room Golf and leisure accommodation facility with associated works (part revised scheme to that approved under 19/01437/FUL).**



**1. Recommendations**

**1.1. Grant Planning Permission subject to conditions outlined at the end of this report.**

**2. Planning application description**

2.1. The application seeks planning permission for a 50x room golf and leisure accommodation facility with associated works.

2.2. Planning permission was granted under planning reference 19/01437/FUL for the following:

*'Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping'*

2.3. The 6 golf holiday units (comprising 12 bedrooms in total) approved on site comprises a courtyard style building to the south east of the approved Golf Clubhouse. It is now proposed by the applicant that this courtyard building instead provides for a 50x room golf and leisure accommodation facility utilising the same footprint as the permitted courtyard building but with additional rooms and windows within all elevations of the building including the roofspace of the building.

- 2.4. The accommodation would comprise bedrooms and en-suites only with all other facilities e.g. reception area, restaurant, bar, available for users of the accommodation at the Golf Clubhouse. 26x rooms are proposed on the ground floor of the building and 24x rooms on the first floor.
- 2.5. The planning application details show that the courtyard building would remain the same size and height as per the extant permission (19/01437/FUL) but windows would be introduced within the roofspace of the building and a central glazed atrium area with lift to the first floor.
- 2.6. In June 2023, an enforcement officer visited the site and confirmed that development had commenced. Planning permission ref 19/01437/OUT is therefore an extant permission and has not lapsed. This application seeks to alter the approved courtyard building through the addition of windows within the roofspace and within the elevations of the building. The interior layout of the building would be altered through the provision of more accommodation.
- 2.7. The planning application includes the following submission details:
- Design and Access Statement
  - Roof Plan / Guest Room Layout Plan
  - Sectional Elevations
  - Proposed Elevations
  - Proposed First Floor Layout Plan
  - Proposed Ground Floor Layout Plan
  - Proposed Site Layout Plan
  - Site Location Plan
  - Flood Risk Assessment
  - Surface Water Management Plan
  - SUDS Storage Calculations
  - Drainage Strategy and Drainage Layout details
  - Sewage Treatment Works drawing
  - Maintenance Schedule
  - External Works and Surfacing Plan
  - Highway information

### **3. Description of the site and surrounding area**

- 3.1. The application site is located wholly within the existing boundaries of Kyngs Golf and Country Club, a 126 acre golf course, on the western edge of the settlement of Market Bosworth.
- 3.2. The site is surrounded by modern residential development to the west at Pipistrelle Drive. On the north-west boundary of the application site lies Wharf Farm with an associated bungalow and site access. Further to the west of the aforementioned residential development lies tourism development at Bosworth Marina and the Battlefield Heritage Railway Line.
- 3.3. The application site consists of a section of land within the Kyngs Golf site, set well back from and to the north of Station Road. It currently has extant permission for a courtyard building providing 6x self catering units (12 bedrooms in total) which forms part of permission ref 19/01437/FUL.
- 3.4. Access into the site is taken from an existing access point at Station Road.

#### **4. Relevant planning history**

The site has an extensive planning history going back over the last circa 25 years, since the original golf course consent approved in 2003 including:

##### **92/01068/COU**

- Golf course, driving range, clubhouse and maintenance buildings
- Refused
- 23.07.1997

##### **98/00963/COU**

- Proposed golf course and ancillary facilities including club house
- Approved
- 09.11.2000

##### **02/00685/COU**

- Proposed golf course and ancillary facilities including siting of club house and associated parking
- Approved
- 30.04.2003

##### **07/01287/FUL**

- Erection of a greenkeepers store associated with the golf course
- Approved
- 21.12.2007

##### **08/00217/FUL**

- Retention of slab area
- Approved
- 09.04.2008

##### **08/00750/FUL**

- Erection of golf club house, new access and associated parking and managers flat
- Approved
- 24.09.2008

##### **13/00272/CONDIT**

- Variation of condition 18 of planning permission 02/00685/COU to remove right hand turn lane and propose other off site highway works
- Approved
- 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, 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.
- Refused
- 15.09.2017

##### **18/00732/FUL**

- Resubmission of refused planning application (LPA ref: 17/00528/FUL) for the erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking areas and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping
- Refused
- 23.10.2018 (dismissed at appeal on 24.10.2019)

#### **19/00230/FUL**

- Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension to the access drive
- Refused
- 18.04.2019 (allowed at appeal on 24.10.2019)

#### **19/01437/FUL**

- Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping
- Approved
- 15.06.2020

#### **21/00195/FUL**

- Erection of 9 holiday cabins with associated parking and landscaping
- Refused
- 15.06.2020

#### **21/01473/FUL**

- Erection of 9 single storey holiday lodges with vehicle parking and associated works
- Refused
- 18.01.2023

#### **23/00273/DISCON**

- Application to discharge conditions 13 (contamination) 16 (surface water management) 17 (drainage during construction) 18 (long term maintenance of drainage) 19 (Infiltration) 21 (habitat management plan) 24 (construction management plan) attached to planning permission 19/01437/FUL
- Split Decision - Discharge of Conditions
- 30.08.2023

#### **23/00434/DISCON**

- Application to discharge conditions 9 (Hard and Soft Landscaping), 10 (Levels), 15 (Land Contamination ) and 22 (Footpath Management Plan) of planning application 19/01437/FUL
- Split decision – Discharge of conditions
- 23.08.2023

#### **23/00508/FUL**

- Erection of 9 single storey holiday lodges with vehicle parking and associated works
- Refused
- 18.07.2023

## **5. Publicity**

- 5.1. This application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and an advert was displayed in the local press.
- 5.2. 27 separate third party and/or neighbour objection letters have been received raising the following concerns (in summary):
- There is no operational golf course in this location and there have been no visible attempts to re-establish one; there is therefore no requirement for a golf and leisure hotel.
  - The application for a hotel is on a site with permission to build 6 single storey cottages; the stringent conditions imposed on the granting of that development - such as minimising the roof height so as not to intrude on the views and vistas identified in the Neighbourhood Plan - have been completely disregarded.
  - There is no requirement for additional hotel accommodation in the Market Bosworth area; the town is already well served with an existing large hotel, 103 holiday lodges, various B&B establishments and a caravan site.
  - This application when compared to the previously approved application, has changed considerably. It is now a 2 storey building with a ridge height of almost 7m & on a site with permission to build 6 single storey cottages so would have a dramatic effect on the landscape. The vista over the golf course is recognised in the Market Bosworth neighbourhood plan and any buildings should be constructed so that there is a minimum height roofline to maintain these views across the countryside.
  - There is no business case to support the enlarged project and a search of the developer's accounts reveals limited funds for a project of this nature which would indicate to me that once permission was granted, the development would be sold.
  - Whilst I support a building with leisure facilities to enhance the Golf Course, I cannot see how the proposed building would achieve this and should be rejected or at the very least, a condition should be put in place requiring that the Golf Course be fully operational before work on the hotel commences.
  - When there is no sign of a golf course being completed after many years of trying. What is the reason for accommodation being considered?
  - This will be a massive overdevelopment of a small rural golf course. It does not seem in keeping with the area or the original intent for the golf course. It is also at odds with the other similarly timed proposals to develop this site. The proposals seem a scatter gun approach to develop a very pleasant green site and not in keeping with the nature of Market Bosworth nor previous plans for the site.
  - I support the Parish Council's decision to refuse this application.
  - Roads are already busy and parking in Bosworth itself is virtually impossible. We value what is left of the rural entry which should be preserved.
  - The footpath by the contested area would be compromised.
  - Since changing hands there has been no evidence of any attempts to reinstate a golf club or course.
  - We live opposite the site they want to put this hotel on. It is such a busy main road with people frequently breaking the speed limit resulting in more than a few near misses involving both pedestrians and other motorists. This road is one of the main roads into Market Bosworth and there are currently 3 schools on this same road as well as a busy industrial estate and the fire

station. Congestion is a real problem with the combined problems of narrow streets and on street parking sometimes blocking access.

- 5.3. 1 letter of support has been received with the following comments:
- It would be really great to see this facility back up and running rather than standing going to waste. It would also be fantastic to gain some new leisure facilities in Bosworth as the current choice is unacceptable.

## **6. Consultation**

6.1. No objection has been received from:

- HBBC Conservation Officer
- HBBC Env Health – subject to a condition in relation to gas protection measures
- HBBC Waste
- LCC Archaeology
- Sport England
- Environment Agency

6.2. Market Bosworth Parish Council/Visionary Group – Object. BVPG have a number of concerns and specific reasons for objection in respect of this application. BVPG, whilst submitting detailed objections to the various planning applications relevant

to the now defunct Kyngs Golf Course and Country Club, has consistently stated there will be support for an application that identifies a sustainable and viable solution which includes a playable golf course at the outset. BVPG has consistently expressed concerns regarding permitting development of permanent features such as a clubhouse, lodges or cottages in advance, which in themselves cannot guarantee the former golf course will be restored to a playable condition. There is a temporary clubhouse that functioned well and could be utilised until such time as membership and casual players can demonstrate the need for additional facilities. Golf Lodges are certainly a feature of some established courses but until a fully restored course has reached maturity the demand for these features cannot be proven viable and therefore cannot be deemed sustainable development. Kyngs Golf Course was initially developed by a professional golfer with an ambition to establish a challenging 18 hole golf course supplemented by a 9 hole short course.

The course had been operational for several years and had started to gain growing membership as the course became established and recognised. However, the golf course apparently encountered financial difficulties and was purchased by the Appellant in 2016. It is understood the existing membership offered to maintain the golf course until the new owners were able to put together ground staff and employees required to enable the course to continue functioning. The offer was refused, and the course has gradually become overrun with dominant grass weeds and wildflowers with no perceptible difference between the fairways, rough, tees or greens. The maintenance of a golf course to ensure it remains viable requires specialist greenkeepers and equipment plus all year-round care and attention. Since changing hands there has been little attempt to reinstate a golf course. From the table of Planning History for the site it can be noted that from 2017 onwards, each application (17/00528/FUL, 18/00732/FUL, 19/00230/FUL, 19/01437/FUL, 21/00195/FUL, 21/01473/FUL and 23/00508/FUL) are related to develop holiday accommodation in advance of restoring the golf facility. As previously stated in responses to these previous applications and associated appeals, it is well known that restoration of a golf course is a significant financial and long term project

usually requiring major ground works. Occupants of holiday lodges, a hotel and users of golf club house are incompatible with that level of groundworks and the heavy machinery involved to restore the course when these facilities are in occupation. BVPG is concerned that this is application claims to be a retrospective application for a hotel, yet planning permission is already granted for that site for 6 cottages. If work has commenced prior to 15th June 2023 then this falls within the period of 3 years permitted commencement for 6 single storey cottages in a courtyard formation. If the supposed commencement of works took place after 15th June 2023 then evidence needs to be shown of the work undertaken to demonstrate what was carried out and why. Stringent conditions were imposed on the granting of a courtyard development after it had been previously dismissed at appeal. Not least the previous pre-applications to ensure the roof height was minimal so as not to intrude on View 1 and Vista 11 of the Market Bosworth Neighbourhood Plan 2015 Policy CE3. The draft modified Neighbourhood Plan 2020-39 completed Regulation 14 consultation on 16th October 2023 and all comments are currently being addressed. The SEA screening is almost complete and subject to basic conditions being met the modified Plan will be submitted for Regulation 15 in a few weeks. This modified Plan includes an independent Landscape Review of Market Bosworth and reinforces the importance of this open landscape to the character approach of Market Bosworth. See Landscape Review of Market Bosworth (View 1 pages 13-15) and (Vista I pages 46 -48).

The significance of these views and vistas to this specific area is noted by the Inspector in the Appeal Decision to dismiss a small development in from of the golf course location. The Richborough Appeal Decision (ref APP/K2420/W/21/3279808) December 2021 paragraphs 11 to 19 are of particular relevance to any development that would impact on “The contribution that the undeveloped appearance of the appeal site makes to the informal pastoral foreground and framing of the exposed wooded hilltop within Important View 1 is what sets this particular site apart from other undeveloped countryside sites surrounding the settlement.”

Whilst set slightly back from the Richborough location the increase of ridge height from a single storey to two storey building is of immense significance in this location. BVPG are concerned that the Design and Access statement and other associated documents imply this retrospective application for a Hotel is a minor amendment as it occupies the same footprint as 6 single storey cottages ignoring that a series of revisions to reduce roof ridge height to minimise impact in respect of the Neighbourhood Plan policies CE1 and CE3. BVPG are concerned that none of the submitted application details include a business plan or any evidence to support the requirement for a 50 bedroom hotel in this location or indeed in Market Bosworth, which is already well served with a 100+ bedroom hotel, numerous bed and breakfast establishments as well as a site for 103 holiday lodges and other accommodation. This application Design and Access statement for such a major development does not provide sufficiently robust evidence to justify any support. The conclusion statements are incompatible with reality. For example a) D&A Statement Para 6.02 states “The development proposal for an overnight accommodation Golf and Leisure Hotel - to be used in association with the multi-purpose Golf Clubhouse - would support the established use of the Golf Course as an existing leisure and tourism facility in accordance with Policies DM1, DM4 and DM 24 of the adopted SADPM and Policy 11 and 23 of the Core Strategy.”

This is a very misleading statement. Currently there is no golf course or multi-purpose Golf Clubhouse let alone any established use of the course as cited. BVPG have, with all applications welcomed the restoration of the golf course first and foremost. Once the course is playable and membership can demonstrate membership viability to support a new clubhouse then other potential options can be realistically

considered. Without a golfing facility, developments of a multifunctional Clubhouse, hotel or golf lodges cannot be supported as there are no guarantees that any golf facility will be forthcoming. The associated but separate applications for 2 subterranean and 4 lodges have been submitted as holiday lodges. This is a significant departure from all previous applications which been submitted as golf holiday lodges. The proposed 50 bedroom hotel on what was the prior approved site for 6 Golf holiday cottages which are now classed as a Leisure facility significantly potentially change the use and function of entire land. D&A Statement Para 6.03 states "It is considered that the development proposal and associated infrastructure (as existing and as previously permitted) by virtue of scale, siting, layout design would be limited to a localised impact on the landscape and would not detract from vista 11 of the MBNP - particularly in having regards to the existing urban influences present along Station Road – and there would it is considered there would be no adverse impact upon the settlement setting." The BVPG do not agree with that statement. The applicant has not provided any visualisations or models to substantiate this. The National Design Guide focusses heavily on the importance of context and that developments should recognise "Understand and relate well to the site, its local and wider context." The submitted drawings and associated Design and Access statement do not provide any evidence to support their contention.

The previous golf Course appeal decision Appeal A Ref: APP/K2420/W/18/3218401 October 2019 recognised the significance of the views and vistas but comments in paras 24 and 25 that as the courtyard development is single storey and set behind a hedge would it still be visible from vantage points on Station Road. Stating in para 25 "Undoubtedly, the scale of the buildings would render them prominent in the landscape, though from Station Road, their prominence would be reduced to some degree by the existing hedgerow and their distance in from the road." This application for a two storey building significantly changes the physical imposition of this building not only on the landscape of the open countryside but the built form to the south of Station Road (opposite the Golf Course site) which are all single storey bungalows.

The BVPG contend that the lack of substantive supportive evidence in support of this application and the failure of the application to consider the Neighbourhood Plan context and policies within the existing made Market Bosworth Neighbourhood Plan (MBNP) or the draft modified Neighbourhood Plan which extends the requirements for new development. This means that the application has not adequately addressed MBNP 2015 Policies CE1 or CE3. In respect of the draft modified Plan Regulation 14 version this application has addressed policies DC1 A Leisure and Tourism, CE 1, CE3 or CE5. BVPG also contend that this application must also be considered alongside new applications two other recently submitted applications 24/00027/FUL - Erection of 4 holiday lodges and associated works and 24/00026/FUL - Erection of 2 subterranean holiday lodges with associated works. As together the combined effect of these developments will impact significantly on the restoration of the land to effectively be restored to a playable golf course status and the area becomes a random holiday retreat with no facilities other than a clubhouse. Previous issues raised by the LHA to widen pavements and improve visibility splays do not appear to have been addressed in this application. BVPG believe this application should be refused and no further work permitted on this site until such time as all conditions identified in Appeal Inspectors decision notice for Appeal B APP/K2420/W/18/3218401 and the LPA Decision notice for Application 19/01437/FUL. These conditions identified below clearly identify that any development cannot be occupied or brought into use until such time as the golf course can demonstrate its operational viability. This application claims that the proposal for a Hotel will support the operating Golf



Course and multifunctional Golf Clubhouse. There is no evidence to demonstrate the viability of this project.

Appeal B APP/K2420/W/18/3218401 i.e.

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Proposed Site Plan - Drg

No. A-PL-101 Rev C, Proposed Elevations - Drg No. A-PL-200 Rev A, Proposed Ground Floor Plan Option 2 - Drg No. A-PL-102, Proposed Roof Plan - Drg No. A-PL-101 Rev A, Proposed Ground Floor Plan - Drg No. A-PL-100, Junction improvements Dwg No. HAS/17-030/02 Rev A, Visibility Splays - Drg No. HAS/17-030/01 Rev A, Footpath Improvements - Drg No. HAS/17-030/03 Rev A, Access Arrangements & Highway Improvements - Drg No. A-EL-003, Access Arrangements & Highway Improvements - Drg No. P827/101A.

3) Notwithstanding the provisions of Class C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any change of use by any subsequent Order, the unit shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be occupied as permanent, unrestricted accommodation or a principal or primary place of residence.

4) The development hereby approved shall not be occupied until the access arrangements shown on Dwg No. P827/101A received on the 25 February 2019 has been carried out and completed in full.

5) No part of the development hereby permitted shall be occupied until such time as

2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

6) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

7) Prior to first occupation of the holiday unit an Operational Management Plan shall be submitted to and agreed in writing with the local planning authority. The approved plan shall thereafter be implemented at all times.

HBBC decision statement for Application 19/01437/FUL also identifies conditions to be implemented before works or occupation can commence. Of particular significance are conditions 5, 6, and 23 imposed in the decision notice for this site, i.e. Prior to first use of the clubhouse hereby approved, works to reinstate the 18 hole golf course including, drainage, fairways, greens, tees and bunkers shall be completed and brought into use. Reason: To ensure the retention and operation of the Golf Course as a leisure facility to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The holiday accommodation hereby approved shall not be occupied until the clubhouse has been completed and brought into use. Reason: The lodges are associated with the use and vitality of the existing leisure facility to provide complementary overnight accommodation to this Leisure and tourist resource to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 23 of the Core Strategy.

23. Prior to first use of the development hereby permitted, an Event Management

Plan for the Golf Club House hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained for the duration of use unless otherwise agreed in writing by the Local Planning Authority. Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Such conditions reflect the concerns that the continuous stream of applications for holiday accommodation without a playable golf course would be inappropriate in this location.

- 6.3. The Market Bosworth Society – Object. The Market Bosworth Society normally comments upon applications within the Conservation Area. However in this case a 50 room Golf and Leisure Hotel will have a significant impact upon the conservation area and therefore we wish to object. We believe that the application should be relisted as it is inaccurate. This is not a retrospective application as the hotel has not been built and the golf course has not been reinstated. The latter point is highly significant. There is no golf course. Golf has not been allowed since the property changed hands and the golf club members at that time, were evicted from the site. There have been 12 applications to build on this land, none of them successful. Three appeals have been heard with only one successful and then heavily conditioned. The Market Bosworth Society welcomes the reopening of the golf course and has never objected to a golf course being re-established. We do however, object most strongly to this application and will continue to do so until works to reinstate the 18 hole golf course including, drainage, fairways, greens, tees and bunkers has been completed and brought into use.
- 6.4. LCC Ecology – I have no holding objections providing that all previous ecological reports, mitigation strategies and planning conditions associated with 19/01437/FUL are adhered to in full.
- 6.5. HBBC Drainage - Sustainable drainage details (SuDS) for the development should be submitted for review.
- 6.6. LCC Drainage (LLFA) – Further information required. The application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, an NPPF compliant flood risk assessment with associated surface water drainage details should be submitted.

Further response received from LCC Drainage - The 2.57ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. The LLFA notes that this is a retrospective application to alter specific details originally approved under applications 19/01437/FUL and 23/00273/DISCON (for surface water conditions). The footprint and impermeable areas remain largely unchanged, and thus the previously supported surface water drainage strategy remains viable. Leicestershire County Council as the LLFA advises the LPA that the proposed development is considered to be acceptable based on the surface water management principles and design provided within the previous application 23/00273/DISCON. If the development is to be designed in accordance with these details provided, the LLFA would have no concerns and would not request additional conditions.

- 6.7. LCC Highways – This application seeks to provide a 50 bedroom hotel within the footprint approved for 6 holiday lodges, which could result in a substantive

increase in trips when compared to the extant permission. Therefore, further information should be provided in support of the proposed development.

Further response from LCC Highways 25 March 2024 – The Local Highway Authority advice is that, in its 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. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

- 6.8. No comments have been received from the Ramblers Association or Ashby Canal Association.

## **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. The 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 Borough 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) (2021)  
Planning Practice Guidance (PPG)  
National Design Guide (2019)
- 7.5. Other relevant guidance  
Good Design Guide (2020)  
National Design Guide (2019)  
Leicestershire Highway Design Guide

## **8. Appraisal**

- 8.1. The following list represents the key issues for assessing this planning application:
- Principle of Development
  - Impact upon Highway Safety
  - Design and Layout
  - Landscape and Visual Impact

- Impact on Residential Amenity
- Archaeology
- Flood Risk and Drainage
- Ecology and Biodiversity
- Heritage Impact
- Planning Balance

#### Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 8.5. The application site is situated outside any defined settlement boundary and is therefore within the countryside. However, the site has significant planning history which confirms that the site was granted permission for a Golf Course back in 2003.
- 8.6. The application site is also identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility.
- 8.7. 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.
- 8.8. Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business could be acceptable subject to meeting other criteria. It is accepted that the proposed development and use would result in a degree of economic growth as part of the construction process and ongoing use of accommodation, as part of the Golf course's overall offer to users of the site.

- 8.9. 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.
- 8.10. The Planning Inspector in consideration of an historic appeal application ref 18/00732/FUL, concluded that a proposal for a clubhouse and associated holiday accommodation would accord with Policies 11 and 23 of the Core Strategy and Policies DM4 and DM24 of the SADMP, due to the economic benefit to the area, its location and form of development, which would support and bring back into use an existing leisure facility, by way of a Golf Course.
- 8.11. Another key issue is that planning permission was granted under planning application reference 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping. This permission has been confirmed to have commenced by the Council's enforcement team in June 2023 and is therefore an extant permission. The approved courtyard building which was approved as part of the referenced permission is the building proposed to be used for the 50x room golf and leisure accommodation facility.
- 8.12. Given that the Enforcement Team at HBBC have confirmed that development has commenced on site and permission 19/01437/FUL is now extant, the principle of accommodation for 'golfing holiday' purposes is considered to be compatible with the extant permission 19/01437/FUL (Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping).
- 8.13. The accommodation as proposed for this application would comprise bedrooms and en-suites only with all other facilities e.g. reception area, restaurant, bar, available for users of the accommodation at the Golf Clubhouse. Therefore the proposed accommodation would be specifically linked to the Golf Clubhouse, as opposed to operating as a standalone facility.
- 8.14. The site has lawful planning use as a golf course, it is designated as a Leisure and Tourism Facility in the MBNP and is the closest of these facilities to the built up area of Market Bosworth.
- 8.15. In principle therefore this application is acceptable subject to all other material planning considerations, as set out below.
- Impact upon Highway Safety
- 8.16. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an

adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.17. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.18. Paragraph 115 of the NPPF (2023) outlines 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. Paragraph 116 (e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.19. The local highway authority initially responded to request further information. They stated that as it is proposed for the hotel to share a new access with the existing golf club, the combined level of traffic the site as a whole could generate must be established in order for the LHA to determine whether or not the access design is considered appropriate.
- 8.20. The proposed development would be served by an existing site access. This private access road meets the highway at Station Road, which is a C Classified road subject to a 30mph speed limit. The LHA highlight that access improvements (including footway widening) that were secured under 13/00272/CONDIT and 19/01437/FUL, have not yet been implemented. To ensure an appropriate access is provided to serve the proposed development, the LHA request that the site access conditions are also imposed on this application.
- 8.21. To demonstrate the suitability of the proposed access arrangements, the applicant has undertaken a junction capacity assessment of the site access junction in the AM and PM peak hour. To assess the proposed access, up to date traffic survey data was obtained from Leicestershire County Council (LCC) from an Automatic Traffic Count (ATC) undertaken between 30th January and 6th February 2024, which was located just to the west of the access on Station Road. However, this survey was undertaken in a non-neutral month and at a time when emergency road closures were in place to the east of Market Bosworth during this survey period.
- 8.22. To assess whether these works affected the volume of traffic on Station Road past the site, the applicant has compared the 2024 results with both the previous 2018 count included with the 2019 application as well as DfT traffic count data from 2019 on this section of Station Road. The results of this analysis showed that for the PM peak the 2024 data is notably lower than both the 2018 and 2019 results. Therefore, to ensure a robust assessment the previous 2018 baseline data has been used to conduct a junction capacity assessment of the consented site access.
- 8.23. For the future year scenario the baseline data has been factored to a design year of 2029 (2024+5 years), using TEMPro growth factors of 1.079 for the AM peak and 1.080 for the PM peak. The consented traffic previously allowed for in the 2019 Transport Statement has also been included, as have the proposed development traffic flows from the consented 2019 scheme (minus the six holiday lets). The proposed traffic for the 50-room accommodation development has then

been included, using the same distribution percentages as the 2019 application, to provide a 2029 'with development' scenario.

- 8.24. This assessment has confirmed that proposed access would operate within the acceptable limits of capacity with minimal queuing delays would be experienced on both Station Road and within the site access. The LHA are satisfied that a safe and suitable access has been provided to serve the proposed development.
- 8.25. The applicant has conducted a review of TRICS data for the category 'Hotel, Food and Drink – Hotels' to calculate the potential peak hour and daily weekday traffic generation for the proposed development. The proposed development is predicted to generate 12 two-way trips in the AM peak, 37 two-way trips in the PM peak and 246 daily two-way trips. The development traffic has then been distributed using the percentages agreed as part of the 2019 application. This has concluded that the overall traffic impact of the proposed development would be relatively small and therefore further assessments are not required to support the proposed development. The LHA agree that the trip generation and distribution are acceptable and no further junction capacity assessments are required.
- 8.26. The LHA previously raised concerns that the proposed development seeks to rely on the car parking approved under 19/01437/FUL with a reduction of 12 spaces from 221 to 209 car parking spaces which were located within the courtyard arrangement and proposed to serve the holiday homes. However, the LHA note that the applicant states that "the proposals would not operate as a typical hotel and would instead comprise accommodation that is ancillary to the consented golf and leisure facilities". The LHA note that the 2019 application predicted a total demand for 185 parking spaces at the site. Given the proposed 50x room accommodation is not intended to operate as a separate hotel and those visitors staying in the accommodation would do so as part of their visit to the golf course and associated facilities, the LHA accept that the proposed 202 spaces would be in excess of the predicted demand, with any minor uplift in demand relating to the hotel being sufficiently accommodated.
- 8.27. Public Footpath S70 runs across the golf course. It is considered there is a need for detailed discussion on the treatment of the Public Right of Way, therefore the LHA would advise a suitably worded condition. In drawing up a Rights of Way scheme it is advised the applicant gives particular attention to the need to safely manage the interaction between walkers and golfers, and improving accessibility by replacing stiles with gates or gaps.
- 8.28. Subject to conditions, this application is considered to be acceptable with respect to highway safety, traffic and access considerations and is therefore in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management DPD 2106 and the requirements of the NPPF.

#### Design and Layout

- 8.29. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.30. Paragraph 135 of the NPPF states that planning decisions should ensure that development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 8.31. The proposal seeks to utilise the same footprint and size of building granted permission as part of the development under planning ref 19/01437/FUL. The key difference from a design perspective is the addition of more windows at ground and first floor level to accommodate the additional number of rooms being sought. The windows at first floor level would be located within the roofspace of the development and would comprise both pitched and flat roof dormers.
- 8.32. The planning application details provide a direct comparison between the permitted courtyard building and the proposed courtyard building as set out below:

	<b>Permitted Courtyard Building</b>	<b>Proposed Courtyard Building</b>
<b>Footprint</b>	1770 sq metres	1770 sq metres
<b>Eaves</b>	2.55 metres	2.55 metres
<b>Roof Ridge Height</b>	6.675 metres	6.675 metres
<b>Roof Pitch (degrees)</b>	52	52

From the information provided as part of the application details, the courtyard building will be as per the approved details granted under planning permission 19/01437/FUL.

- 8.33. 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.
- 8.34. The application details set out that the courtyard building would comprise red brick, blue clay Staffordshire tiles and timber windows and doors. It is considered that details/samples of the materials can be conditioned to be submitted to and approved in writing by the local planning authority to help further ensure quality, colour and appropriateness for the site.
- 8.35. In design terms therefore the application is considered to be acceptable and in accordance with Policy DM10 of the SADMP and the requirements of the NPPF.

Landscape and Visual Impact

- 8.36. 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 174 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.



- 8.37. 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.
- 8.38. 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.
- 8.39. The Market Bosworth Neighbourhood Development Plan (MBNDP) was made 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”*
- 8.40. 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
- 8.41. 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.
- 8.42. 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.
- 8.43. Local objectors and the Parish Council have raised concerns about the impact the proposal would have on the important vistas and views identified within the Market Bosworth Neighbourhood Plan.
- 8.44. 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.
- 8.45. The application site is situated within Landscape Character Area C, Bosworth Parkland as identified within the Landscape Character Assessment (LUC, 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.

- 8.46. The landscape is not valued at a national or regional level, but it is given local importance within the MBNDP due to important vistas and views from the site of north west Leicestershire.
- 8.47. The location of the courtyard building lies to the north of Station Road. The building would be visible from Station Road but situated behind a large hedge which would help to screen it from view. The Officers Committee report for extant permission (19/01437/FUL) and the Inspectors Appeal decision for appeal ref: (APP/K2420/18/3218401) stated that in terms of the courtyard building the development would result in localised impact on the landscape, however in combination of the scale, siting and wider context, the building was not considered to result in harm to the landscape character of the area, nor detract from the identified vista 11 of the MBNP.
- 8.48. This application whilst increasing the amount of accommodation within the building will remain as per the extant permission and comprise the same footprint, height and massing. Whilst it is accepted that this proposal will increase the number of windows within the elevations of the building and the roofspace, it is not considered that this alteration would discernibly affect the overall impact the building would have on the landscape and visual impact of the area when compared to the previous assessment made under planning ref 19/01437/FUL.
- 8.49. It is concluded that the building would not adversely impact upon the important vistas and views as set out within the Market Bosworth Neighbourhood Plan.
- 8.50. As such, the proposal is considered to be acceptable and in compliance with the Market Bosworth Neighbourhood Plan, Policy DM4 of the SADMP and the requirements of the NPPF with respect to landscape and visual impact considerations.
- Impact upon Residential Amenity
- 8.51. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.52. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.53. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 8.54. The Environmental Health Officer has requested a condition in respect of gas protection measures. This is considered to be an acceptable request and a suitably worded condition can ensure that this request is implemented.
- 8.55. The Courtyard Building will result in additional windows to all elevations of the building and within the roofspace. However, the building is set well back from Station Road and would not adversely impact upon privacy to those residents.
- 8.56. The nearest residential dwelling to the proposal is 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 accommodation would be positioned more than a sufficient distance away from this dwelling so as to not result in any loss of amenity in terms of overshadowing or overlooking. This was also the conclusion drawn in the assessment of application 19/01437/FUL.
- 8.57. This application is therefore considered to be acceptable in residential amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

#### Archaeology

- 8.58. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.59. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 8.60. LCC Archaeology have been consulted on the application. They have responded to say that having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), they do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. The application therefore warrants no further archaeological action (NPPF Section 16, para. 194-195). The application is therefore considered to accord with Development Plan Policy and the requirements of the NPPF.

#### Flood Risk and Drainage

- 8.61. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.62. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.63. The LFFA have responded to say that the 2.57ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water

flooding. They note that this is a retrospective application to alter specific details originally approved under applications 19/01437/FUL and 23/00273/DISCON (for surface water conditions). They confirm that the overall footprint and impermeable areas remain largely unchanged, and thus the previously supported surface water drainage strategy remains viable. The application is considered to be acceptable based on the surface water management principles and design provided within the previous discharge of condition approval ref 23/00273/DISCON. If the development is to be designed in accordance with these details provided, the LLFA would have no concerns and would not request additional conditions.

- 8.64. Subject to ensuring the details from the approval of condition is imposed as part of a suitably worded condition, the development is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

Ecology and Biodiversity

- 8.65. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.66. LCC Ecology have been consulted on the application and are satisfied with the proposal subject to ensuring that all previous ecological reports, mitigation strategies and planning conditions associated with 19/01437/FUL are adhered to in full.
- 8.67. As such, it is considered that subject to the proposed conditions, the proposals meet the requirements of Policy DM6 of the SADMP with respect to ecology matters, as well as Paragraph 186 of the NPPF (2023).

Heritage Impact

- 8.68. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.69. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for 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.

- 8.70. There are designated heritage assets located within a proportionate study area from this application site including the Ashby Canal Conservation Area which is c.500m west of the site and the Market Bosworth Conservation Area which is c.800m south east of the site. The Market Bosworth Conservation Area includes a large number of listed buildings with the tower and spire of St. Peter's Church, which is a grade II\* listed building, being a prominent feature within the historic settlement core and the surrounding rural landscape.
- 8.71. Paragraph 201 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. This required assessment has been undertaken by the local planning authority below.
- 8.72. There are no designated heritage assets located within the application site. There is no particular or key inter-visibility between the application site and any of the designated heritage assets identified above due to the presence of built form, vegetation and topography, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered that none of the designated heritage assets would be sensitive to or affected by an appropriate form of development within the application site.
- 8.73. The Conservation Officer does not object to the proposal on heritage grounds. It is therefore considered that the proposal will have no effect upon the significance of any designated heritage assets and is compliant with Development Plan Policy with respect to heritage considerations and the requirements of the NPPF..

#### Planning Balance

- 8.74. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.75. 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. The inspector in consideration of application 18/00732/FUL, concluded that a proposal for a clubhouse and associated holiday accommodation would accord with Policies 11 and 23 of the Core Strategy and Policies DM4 and DM24 of the SADMP, due to the economic benefit to the area, its location and form of development, which would support and bring back into use an existing leisure facility.
- 8.76. The accommodation as proposed would comprise bedrooms and en-suites only with all other facilities e.g. reception area, restaurant, bar, available for users of the accommodation at the Golf Clubhouse. Therefore the proposed accommodation would be specifically linked to the Golf Clubhouse, as opposed to operating as a standalone facility.

- 8.77. The site has lawful planning use as a golf course, it is designated as a Leisure and Tourism Facility in the MBNP and is the closest of these facilities to the built up area of Market Bosworth.
- 8.78. There are considered to be no other material planning considerations to warrant refusal of this application subject to suitably worded conditions. It is therefore recommended to Members of the Planning Committee for approval.

## **9. Equality implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Recommendation**

### **10.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.
- 10.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

## **11. Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall only be carried out in accordance with the following approved plans:

- Site Location Plan
- Proposed Site Layout Plan - Drg No. HMD/PD/0532/01
- Proposed Ground Floor Layout Plan - Drg No. HMD/PD/0532/02
- Proposed First Floor Layout Plan - Drg No. HMD/PD/0532/03
- Proposed Elevations - Drg No. HMD/PD/0532/04
- Sectional Elevations - Drg No. HMD/PD/0532/05
- Roof Plan / Guest Room Layout - Drg No. HMD/PD/0532/06

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the proposed holiday lodges and clubhouse, shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. Prior to first use of the development hereby approved, works to reinstate the 18 hole golf course including, drainage, fairways, greens, tees and bunkers shall be completed and brought into use.

**Reason:** To ensure the retention and operation of the Golf Course as a leisure facility to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The accommodation hereby approved shall not be occupied until the Golf Clubhouse has been completed and brought into use.

**Reason:** The accommodation is associated with the use and vitality of the existing leisure facility to provide complementary overnight accommodation to this Leisure and tourist resource to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 23 of the Core Strategy.

6. No development above foundation level shall commence on site until verification of the opted mitigation in respect of gas protection measures as per BS8485 is submitted to and approved in writing by the LPA within 6 months of the date of this decision and implemented in accordance with the agreed details.

**Reason:** As the site lies within 250 metres of a known landfill/made up ground site and in the absence of detailed information which demonstrates that the site does not have ground gas egress, in order to safeguard human health and to ensure that the necessary measures are taken to avoid any risk to public safety, in accordance with Policy

DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and not at any time on Sundays and Bank Holidays unless other agreed in writing.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No floodlighting or external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

**Reason:** To safeguard the appearance of the area and/or the amenities of neighbouring dwellings according with Policy DM4, DM7 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on HAS drawing number HAS/17-030/01 Rev A have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hickman & Smith Architects drawing number A-PL-001 Rev L. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the requirements of the National Planning Policy Framework (December 2023).

11. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.



**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in accordance with the requirements of the National Planning Policy Framework (December 2023).

12. The development hereby permitted shall only be carried out in accordance with the approved construction management plan details ref 23/00273/DISCON.

Received 21 March 2023.  
Construction Management Plan details

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

13. Hard and soft planting for the development shall be carried out in the first planting season following the first occupation of any unit of accommodation hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees and shrubs of a similar size and species to those originally planted. It shall be carried out in accordance with the following approved details ref 23/00434/DISCON:

Received 15 June 2023  
Post & Rail Details (1)  
Post & Rail Details (2)  
Tree Protection Fencing  
Gravel Details

Received 22 May 2023  
Detailed Landscape Proposals GL0945 24  
82659.111.1 External Works Surfacing Plan Construction Details  
82659.110.P1 External Works Surfacing Plan  
Proposed Site Plan A.PL.001 Rev L

**Reason:** To ensure the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

14. The development hereby permitted shall be implemented in accordance with the following approved finished floor levels ref 23/00434/DISCON:

Received 22 May 2023  
C9 & C10 82659.110.P1 External Works Surfacing Plan  
C9 & C10 82659.111.1 External Works Surfacing Plan Construction Details  
C9 & C10 Proposed Site Plan A.PL.001 Rev L

Received 15 June 2023  
C10 Topographical Survey (Existing Levels)

**Reason:** To ensure the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

15. Development hereby permitted shall be carried out in accordance with the approved footpath management details ref 23/00434/DISCON prior to first occupation of the accommodation hereby approved:

Received 22 May 2023  
PRoW Management Plan (Issue 1)  
Detailed Landscape Proposals GL0945 24

**Reason:** For the amenity, safety and security of the users of the Public Right of Way in accordance with the requirements of the NPPF.

16. The surface water and drainage details shall be implemented on site in full accordance with the following details approved under ref 23/00273/DISCON before the development hereby approved is first brought into use:

Received 24 August 2023  
Proposed Drainage Layout 82659-101 P2  
Drainage Construction Details 82659 – 102 P2  
Manhole & Pipe Schedule 82659 – 103 P2  
Section Through Pond & Headwall 82659 – 104 P2  
External Works & Surfacing Plan 82659 – 110 P3  
External Works & Surfacing Plan Construction Details 82659 – 111 P3  
Full Network Attenuation Pond & FCC 82659

Received 1 August 2023  
Maintenance Schedule  
Received 21 March 2023  
Surface Water Management Plan

**Reason:** To prevent flooding and ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

17. The long-term maintenance of the surface water drainage scheme shall be carried out in accordance with the following details approved under ref 23/00273/DISCON prior to the development being brought into use:

Received 1 August 2023  
Maintenance Schedule

Received 21 March 2023  
Surface Water Management Plan

**Reason:** To ensure a suitable maintenance regime that can be monitored over time to ensure long term performance, both in terms of flood risk and water quality in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016.

18. The infiltration testing details shall be implemented and completed prior to first occupation of the accommodation hereby approved in accordance with the following details approved under ref 23/00273/DISCON:

Received 21 March 2023  
Infiltration Test Report

**Reason:** To ensure suitable infiltration techniques in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

19. Management of habitat on site shall be implemented in accordance with the following details approved under ref 23/00273/DISCON and maintained as such thereafter:

Received 21 March 2023  
Habitat Management Plan

**Reason:** In order to protect wildlife species and their habitats in accordance with Policy DM6 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.