

**Planning Committee 7<sup>th</sup> May 2024  
Report of the Head of Planning**

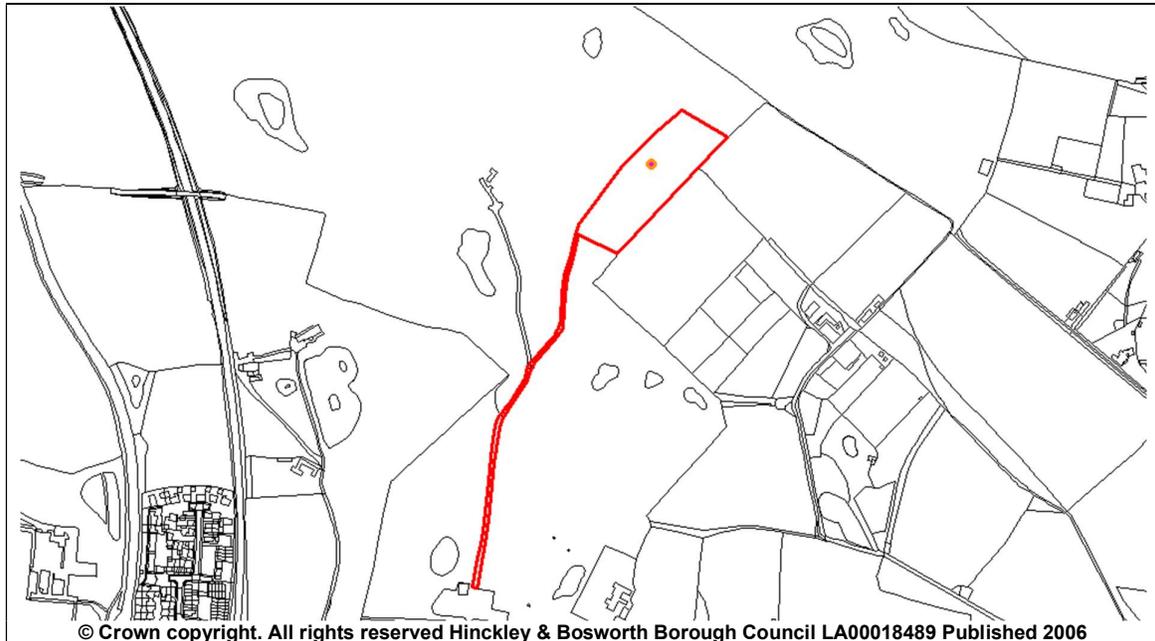
**Planning Ref: 24/00027/FUL  
Applicant: Statue Homes Ltd  
Ward: MB – Cadeby, Carlton, M Bosworth & Shackerstone**



Hinckley & Bosworth  
Borough Council

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

**Proposal: Erection of 4 golf holiday lodges and associated works**



**1. Recommendations**

- 1.1. That the application be approved subject to:
  - Conditions outlined at the end of the report
- 1.2. That the Head of Planning be given powers to determine the final detail of the conditions.

**2. Planning application description**

- 2.1. The application seeks planning permission for the construction of four golf holiday lodges and associated works within the grounds of the Kyngs Golf and Country Club.
- 2.2. This application is a resubmission of refused application 21/00195/FUL which was refused permission in December 2022 and was dismissed at appeal in July 2023. The previous scheme sought the construction of 9 holiday cabins with associated parking. Other applications have also been submitted for holiday cabins elsewhere on the site.
- 2.3. This proposal comprises 4 single storey structures with hipped roof feature. The submitted plans show the lodges to be 0.25m off the ground and 9.75m in width.

The lodges are 4.9 metres in total height approx. (taking account of the 0.25m raised position from the ground level).

- 2.4. Each proposed golf holiday lodge comprises two double bedrooms, a bathroom, a sitting room area, kitchen/diner, lobby/entrance hall, cloaks and storage area. Vehicle parking is also shown on the plans for each lodge. Access to the lodges would be via an existing track which runs through the golf course.

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

- 3.1. The application site extends to 1.53 hectares and 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 application site consists of a section of land along the eastern boundary of the Golf course. The site is relatively open but there is some vegetation cover including a copse immediately to the east, and the topography of land is undulating.

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

- 4.1. There is various planning history associated with this site:

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

- Golf club, driving range, club house and maintenance building
- Refused
- 23.07.1997

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

- Proposed golf course and ancillary facilities including club house
- Planning Permission
- 09.11.2000

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

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

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

- Erection of greenkeepers store
- Planning Permission
- 21.12.2007

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

- Retention of slab area
- Planning Permission
- 09.04.2008

#### **08/00365/FUL**

- Erection of golf club house, new access and associated parking and management flat

- Withdrawn
- 23.04.2008

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

- Erection of golf club house, new access and associated parking and management flat
- Planning 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.
- Planning 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, 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**

- 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)
- 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 of 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
- Planning Permission
- 15.06.2020

**21/00195/FUL**

- Erection of 9 holiday cabins with associated parking and landscaping
- Refused
- 16.12.2022

**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 condition 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
- 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
- 23.08.2023

**23/00508/FUL**

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

**24/00019/FUL**

- 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).
- Planning Permission
- 12.04.2024

4.2. Application 21/00195/FUL was refused for two 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, whilst also failing to evidence that the development would be ancillary to the use of the 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.

2. The proposed lodges would be sited in a sensitive location outside the settlement boundary of Market Bosworth. By virtue of their scale, layout, siting, and design, the proposal would neither complement nor enhance the character and appearance of the area, and would cause significant harm to the intrinsic value, open character and landscape character of the countryside. Furthermore, the proposal would cause harm to the important view and vista identified within the Market Bosworth Neighbourhood Plan. The proposal is therefore contrary to Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies DPD, Policies CE1, CE3, and CE5 of the Market Bosworth NP and Policy 23 of the Core Strategy.
- 4.3 An appeal was submitted but was dismissed. With regards to the first reason for refusal the Inspector stated "I am of the same view as the Inspector that dealt with the previous appeals. More particularly, I find that the principle of holiday cabins would not conflict with Policies 23 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan as a whole."
- 4.4 With regards to the second reason for refusal the Inspector stated that: "I conclude, the development would have a significantly harmful effect on the character and appearance of the area including its landscape character. In those regards, the proposal would conflict with the sustainable development, design, character and landscape requirements of Policies DM1 (Presumption in Favour of Sustainable Development), DM4 (Safeguarding the Countryside and Settlement Separation) and DM10 (Development and Design) of the SADMP, Policy 23 (Tourism Development) of the CS and Policies CE1 (Character and Environment) and CE5 (Landscape of the wider parish) of the NP. For the same reasons, the proposal also conflicts with the requirements in the Framework to recognise the intrinsic character and beauty of the countryside and for developments to be sympathetic to landscape setting."
- 4.5 The Inspector also judged that without any specific tie to the golf course, there would be no guarantee that the holiday cabins would not be a standalone development or that money from the sales would secure the re-instatement of the golf course or delivery of the golf course development. It was therefore difficult to reconcile any economic benefits with the potential reinstatement of the golf course in that regard.
- 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 a notice was displayed in the local press.
  - 5.2. 24 separate third party and/or neighbour objection letters have been received raising the following concerns (in summary):
    - We feel that any planning considerations should first be contingent upon the total reinstatement of the land to a quality golf course. In addition, Market Bosworth has no need for additional holiday accommodation, having a large hotel, numerous public houses and private houses and a large number of holiday bungalows already providing a surplus of holiday accommodation.

- What is the reason for accommodation being considered? It appears that Golf has become very much the secondary priority for this area of land and that four lodges would only be the beginning once the sod has been cut.
- This has no merit and completely illogical as there is no provision for a golf course to support this development. This is the wrong way around as the application needs a playable golf course first then holiday lodges could follow.
- The 3 plan documents submitted are very limited in information and do not show the exact position of the proposed lodges which appear to be in open countryside. This is a cynical attempt to build 4 homes in the grounds of a former golf course which is not being maintained. Furthermore, the lack of location detail & plans make it extremely difficult to comment on how this would affect the landscape and should be refused.
- These lodges seem part of a scattered approach to develop the site at any costs and ill thought out. They do not appear to be in keeping with the original focus of developing the golf course as a viable concern.
- A great deal more information is needed if the application was to be seriously considered including where on the course these would be located, as there is no indication in the application.
- There is a pattern emerging here. No work in re-establishing the golf course, but nevertheless a repeated planning applications for a wide range of options, ranging from a new club house to houses on stilts, from a quad of eight holiday cottages to a 50 bedroom hotel. This raises the question, what is the applicant's real objective? Are we really heading for a holiday park?
- The application for the four holiday lodges appears lacking in substance, the drawings of poor quality and the precise location of them not identified on the plans. This then clearly compromises any accurate assessment of the impact of their development on our community.
- I support Bosworth Vision's view that any development should be considered only when a playable golf course has been established.
- I see this as an underhanded attempt to move away from golf course accommodation to the simple use of the site for holiday lets.
- The proximity of the lodges to the golf course could be hazardous to people and vehicles by wayward golf balls.
- The indicative layout suggests they would be highly visible to the public using the footpaths which connect directly with the Leicestershire Round.
- The proposed dwellings are identified as Holiday lodges. All previous applications were for Golf Holiday lodges. This could indicate that the applicant is looking to depart from the use of the land as a golf course by stealth.
- I object on the grounds of the views and vistas on the approach into Bosworth being compromised AND a previous application ruled that there would need to be a viable and playable golf course in situ prior to any associated development. This proposed development is also contrary to the Neighbourhood Plan.

## **6. Consultation**

6.1. No objection has been received from:

- HBBC Conservation Officer
- HBBC Waste Services
- LCC Archaeology
- LCC Highways
- Sport England

6.2. Market Bosworth Parish Council/Visionary Group – Object. We have 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 always 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 club or course. From the Planning History for the site it can be noted that from 2017 onwards, each application is 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 with 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. We are concerned that this proposal for 4 holiday lodges can come forward as a serious application with only three documents, a site location plan, proposed site layout plan and indeterminate sketches of the lodge elevations and interior layout. The site plan does not give any clear indication of precise location. Therefore, it is impossible to comment on how this will relate to the important landscape within the countryside setting. However, the indicative layout suggests they are between public footpaths S68 and S70 and would therefore be highly visible to the public using these footpaths which connect directly with the Leicestershire Round. The proposed dwellings are identified as holiday lodges. This is a departure from all previous applications for Golf Holiday lodges. This could indicate that the applicant is looking to depart from the use of the land as a golf course by stealth. We are also concerned that the application form states that foul sewage is to be disposed by other means than the usual options identified on the form. The application itself gives no indication as to how the foul sewage or in fact other residential waste will be disposed of. The foul sewage aspect is of particular concern given that the imprecise location of the site and the potential distance from other the proposed clubhouse facilities. Wherever these lodges are situated on a golf course there must be concerns about the health and safety of guests who could well be in the firing line of wayward golf balls. There are also indications that guest vehicles will be driven across the golf course along an existing service track to park at the lodges. This in itself poses significant hazards to the vehicle and occupants from stray golf balls, or to pedestrians on the public footpaths from cars on the track or risk to golfers from the vehicles accessing/egressing the holiday lodges. With no

Design and Access statement, no ecological, landscape report or definitive site locations and visualisations it is impossible to comment with any certainty on anything other than the basic concept and the failure of the application to provide sufficient evidence to support the application moving forwards.

- 6.3. The Market Bosworth Society – Object. We are concerned about the effect this application will have on the enjoyment of the vistas set out in the Market Bosworth Neighbourhood Plan. Specifically Vista 11 & 12 possibly also 13. The lodges, raised off the ground would present a negative view when trying to enjoy the established vistas. The application is of poor quality, the Site Layout Plan refers not to a golf course but to managed grassland, this indicates a change of use from a golf course to grassland. The Site Layout also refers to a pathway leading to The Kyngs Golf and Leisure Clubhouse which exists only as a portacabin. The previous application for a Golf and Leisure Clubhouse although successful has lapsed and the building does not exist. There have been numerous attempts to build on this land which is against the wishes of the community as demonstrated in the development of the current Neighbourhood Plan. Development of this side of Station Road was outvoted for developments south of Station Road. There is no business case for 4 isolated holiday lodges. Compared to the Lakeside Lodges to the south and the marina to the west this proposal looks extremely poorly conceived. There are no facilities for any tenant to enjoy. No shop, cafeteria, leisure activity, nothing. The golf course has been allowed to deteriorate to the point where there are no expected assets associated with a golf course, clubhouse, fairways, greens, sand traps/bunkers nothing. The NPPF is against homes in isolated locations. Paragraph 84 of the NPPF 2023 refers. Whilst it refers to homes, these lodges will be temporary homes. If fully occupied they will resemble a home in that people live in them. They are therefore subject to the same conditions. The documentation in support of this application lacks a business case, a heritage statement, an ecological appraisal, design statement, Transport Note, Site Management Plan, etc. The Market Bosworth Society sees no benefit in permitting this application. Should the golf course be brought back into operation and the clubhouse built with associated groundworks and access works we would be prepared to consider our objections. For the time being we remain utterly opposed to this application.
- 6.4. LCC Ecology – Object. I have also consulted Leicestershire and Rutland Environmental Records Centre (LRERC) for existing protected species data and designated sites within the locality, which may incur potential impacts depending on the proposals. This identified that the site falls within a great crested newt 'Impact Buffer Zone' due to the presence of waterbodies and an existing records of this species within close proximity. As a result, impacts upon great crested newts will need to be considered further. The 'Ecological Appraisal' briefing note dated June 2021 submitted as part of planning application 21/00195/FUL is no longer valid due to the time that has lapsed. This is in accordance with standard industry guidelines determined by CIEEM's Advice Note: On the Lifespan of Ecological Reports and Surveys which states that results contained within an ecological report are considered accurate for up to 18 months from issue. This time limit is set due to the potential for habitats to alter naturally over time, which can both positively and negatively impact upon the suitability for protected or notable species. In the event that works do not commence within this time period, an update appraisal should be undertaken by a suitably experienced ecologist with reference to any other preceding ecological reports for the Site. I therefore have a holding objection until updated supporting information has been submitted.

Further response from LCC Ecology received April 2024 – An updated Ecological Appraisal has been provided and is satisfactory. We have no objections subject to suitably worded conditions.

- 6.5. HBBC Environmental Health - Can the applicant confirm that the lodges are raised from the ground (as per the elevations drawing which appears to show a 25cm open gap from the ground level).

\*The Planning Statement and drawings illustrate that the lodges would be 0.25m off the ground.\*

- 6.6. Carlton Parish Council – We are concerned that this application, in conjunction with application 24/00026/FUL would establish the principle of dispersed holiday lodge development over this site. Carlton Parish Council objects to this application on the grounds that the proposed lodges are in an isolated position in open countryside, not well related to other built development, and with a long access track which crosses a public footpath. The PC is concerned that no details have been provided as to how foul sewage is to be disposed of. If the LPA should be minded to approve this application, the PC requests conditions that the lodges shall only be occupied as short term holiday lets associated with the proposed club house and hotel, and shall not be occupied until the golf course is fully operational.

- 6.7. LCC Drainage (LLFA) – Further information required. The site area on the planning application form is over 1ha. Therefore, a flood risk assessment is required by NPPF. This should detail the existing flood risk to the site as well as what risk the new development presents, including surface water drainage strategy proposals.

LCC Drainage further response received - Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 1.53 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. Subsequent to the previous LLFA response the applicant has submitted a flood risk assessment and drainage strategy commensurate with the type of development. Leicestershire County Council as the LLFA advises the LPA that the proposed development is considered to be acceptable based on the surface water design provided within the application. The development should be constructed in accordance with the details provided.

## **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) (2023)
  - 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) (December 2023) 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.

- 8.1. 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) and Market Bosworth Neighbourhood Plan 2014-2026.

- 8.3. 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.

- 8.4. The application site is situated outside any defined settlement boundary and is therefore 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.
- 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. However, 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 the lodges, as part of the Golf course's overall offer to users of the site.
- 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:
  - The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
  - The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
  - The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
  - 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. 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.
- 8.9. 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. Permission has also very recently been granted under planning ref 24/00019/FUL for the extant courtyard building of 6x self-catering units to be altered to a 50x room accommodation facility in close proximity to the Golf Clubhouse.

- 8.10. In light of the appeal decision for application 21/00195/FUL the position of the local planning authority is that the proposed lodges would need to be linked to the re-opening and ongoing operation of the existing golf course for the LPA to consider that the proposal complies with the Development Plan in principle and for associated economic benefits attributed to this link to be realised. The recognition of the site as a Tourism and Leisure facility in the Market Bosworth Development Neighbourhood Plan (MBDNP) is on the basis that the site operates as a golf and country club, not for holiday lodges within a small, remote and isolated section of the site. To ensure that the proposed accommodation is linked to the golf course it is considered that a condition could be imposed in this instance which stipulates that the accommodation could only be brought into use once the 18 hole Golf course is reinstated and in use and the Clubhouse is fully operational (extant permission 19/01437/FUL).
- 8.11. 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).
- 8.12. Recent appeal decisions also state that the principle of holiday accommodation within this location is acceptable given that the Kyngs Golf and Country Club is identified as a tourism and leisure facility within the Market Bosworth Neighbourhood Plan.
- 8.13. However, this is subject to the proposal being acceptable with respect to all other material planning considerations, as set out below.

#### Impact upon Highway Safety

- 8.14. 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)).
- 8.15. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.16. 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.

- 8.17. The local highway authority have responded to say that they are satisfied the existing access arrangement would be acceptable to cater for the proposed level of traffic that could potentially be generated by the provision of four golf holiday lodges on site. Furthermore, the LHA have information on record that speeds along Station Road are faster than the posted speed for the road (30mph). The LHA have undertaken its own assessment and have concluded that visibility splays for the recorded 85th percentile speeds of the road can be achieved entirely within the highway in accordance with Table DG4 of Part 3 of the Leicestershire Highway Design Guide. The LHA note there have been two Personal Injury Collision's (PIC's) within 500 metres on either side of the site access within the last five years which were recorded as being 'slight' in severity. Therefore the LHA are satisfied that there are no spatial trends / patterns in the data, and, there are no new highway safety issues that would be introduced into the vicinity of the site contrary to the National Planning Policy Framework (December 2023).
- 8.18. The LHA have also reviewed the 'Site Layout Plan', which demonstrates the provision of three off-street parking spaces to serve each two bedroom holiday lodge. The LHA confirms this accords with the requirements specified in the 'Highway Requirements for Development.
- 8.19. Taking all the above into consideration, the LHA would not seek to resist the proposals subject to a condition relating to parking and turning facilities for the lodges.
- 8.20. 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 (2016) and the requirements of the NPPF.

#### Design and Layout

- 8.21. 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.
- 8.22. 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.
- 8.23. The proposal comprises 4 single storey structures, each with a hipped roof feature. The submitted plans show the lodges to be 0.25m off the ground and 9.75m in width. The lodges are 4.9 metres in total height approx. (taking account of the 0.25m raised position from the ground level).
- 8.24. Each golf holiday lodge would comprise two double bedrooms, a bathroom, a sitting room area, kitchen/diner, lobby/entrance hall, cloaks and storage area. Vehicle parking is also shown on the plans for each lodge. Access to the lodges would be via an existing track which runs through the golf course.
- 8.25. 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.
- 8.26. This proposal has been submitted further to a refusal by the LPA for 9x holiday lodges. In a previous appeal (which was dismissed by the Planning Inspector ref 21/00195/FUL,) the proposed cabins/lodges comprised a very contemporary geometric design and were proposed to be extensively glazed. Each of the proposed buildings would have had a large footprint and their elevations included upper floor elements. In contrast, this application has reduced the number of lodges from 9 to 4, the structures are single storey in proportion, do not feature upper floor elements, are not a contemporary design but more modest, sympathetic units comprising natural materials.
- 8.27. The 4x single storey holiday golf lodges are proposed to be located on the eastern edge of the application site adjacent to a copse. The application form sets out that the proposed lodges would comprise cedar boarding, with cedar roof shingles and timber windows and doors. 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.
- 8.28. In design terms, it is considered that 4x single storey holiday golf lodges comprising natural materials are acceptable and accord with Policy DM10 of the SADMP and the requirements of the NPPF.

#### Landscape and Visual Impact

- 8.29. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 180 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 180(a) 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.
- 8.30. 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.
- 8.31. 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.
- 8.32. 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”*

- 8.33. 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
- 8.34. 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.
- 8.35. 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.
- 8.36. Local objectors and the Parish Council have raised concerns about the impact the proposed lodges would have on the important vistas and views identified within the Market Bosworth Neighbourhood Plan.
- 8.37. 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.
- 8.38. 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.
- 8.39. 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.
- 8.40. The public rights of way S68 and S70 lie to the north and south of the application site for the proposed golf holiday lodges. Views of the lodges and parking areas would be visible from points along these footpaths given that the footpaths cross the golf course there is no substantial screening from these footpaths towards the site. The views from these footpaths are currently of the undulating golf course to the south, open countryside to the north, sporadic woodland copses in all directions,

and existing small-scale buildings adjacent to the site and to the south west. Wider views from surrounding public vantage points are largely restricted due to the existing topography of the site and the location of the site relative to access points. Views of the site from the west and north are obscured by the copse which would help to shield the lodges from these viewpoints. It is therefore considered that the views of the proposed lodges would be localised to users of the footpaths S68 and S70.

- 8.41. The location of the proposed lodges are approximately 0.7km northeast of Station Road and situated on the edge of the site and in part shielded from view by a copse of trees to the east. Concerns have been raised that the lodges would be isolated and remote from services in Market Bosworth, and highly reliant on the use of private motor vehicles. It is acknowledged in recent appeal decisions that an inherent aspect of holiday lodges is that they are located away from built-up areas as their attraction lies in factors such as a quiet environment and proximity to nature and countryside views. However, it is also noted that the proposed golf holiday lodges are to be located within an area allocated within the Market Bosworth Neighbourhood Plan for tourism and leisure purposes and users of these lodges would be able to access the facilities provided on site that have been given permission e.g. the Golf Clubhouse. It is also noted that this site is the nearest tourist/leisure facility to the town and in previous appeals on site the Inspector has not considered this to be an 'isolated site'.
- 8.42. The introduction of 4x single storey timber structures to the eastern side of the golf course is not considered to adversely alter the character and verdant nature of the site, particularly given the scale and size of the golf course taken as a whole. It is considered that with the existing landscape features on site, and, a proposed landscape condition as part of any permission granted, the lodges would be screened to an acceptable degree to help soften and mitigate their overall appearance against the backdrop of the golf course and wider countryside beyond. The use of natural materials proposed for the lodges (timber/cedar) would also very much help to blend the lodges into the countryside setting which again would further soften and alleviate any minor impacts on the vistas/views across the golf course.
- 8.43. Whilst previous appeal decisions for holiday lodges have been dismissed on landscape impact, these decisions related to a greater number of contemporary, larger lodges with upper floor elements and glazing features. This application seeks to minimise the height, scale and number of lodges, and also takes account of the need for the lodges to be designed sensitively and sympathetically in order to account for their location and impact on vistas and views across the golf course. The reduced number of lodges would also result in the reduction of the associated hardstanding and car parking areas which are considered to be urbanising features in the landscape. Previous applications for a larger quantum of lodges in this location (and other isolated parts of the site) would have resulted in larger areas of hardstanding and parking with up to 18 parked vehicles at full capacity. The reduction to four lodges minimises this impact, and when combined with the reduced scale, sensitive design, and reduction in quantum in lodges, would result in an acceptable landscape and visual impact in this case.
- 8.44. The proposal overall is therefore considered to have a localised and limited impact with respect to landscape and vistas and subject to a landscape condition is considered to be acceptable in this regard and in accordance with development plan policy.

#### Impact upon Residential Amenity

- 8.45. 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.
- 8.46. Paragraph 135(f) 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.
- 8.47. Paragraph 191 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.
- 8.48. The Environmental Health Officer asked for clarification regarding the proposed lodges being raised off the ground. Formal clarification has been provided by the applicant and the drawings as submitted show the proposed lodges to be 0.25 metres off the ground level.
- 8.49. The golf lodges are considered to be sited a suitable distance from existing, neighbouring residential properties to ensure that privacy and noise would not be adversely affected by the proposals.
- 8.50. A large number of local objections have been received in respect of this application. Some objectors raise amenity concerns in respect of the proposed proximity of the lodges to the golf course which could be hazardous to people and vehicles by wayward golf balls. This is not considered to be a pertinent amenity consideration and users of a golf holiday lodge would be visiting and staying in accommodation with the full knowledge that they are located within a golf course and to be on alert and aware of potential golf ball hazards. The same could also be said for users of the public rights of way across the golf course. Being aware of potential golf balls would be common knowledge given you are walking through/visiting a golf course.
- 8.51. This application is therefore considered to be acceptable in 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

- 8.52. 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 200 of the NPPF also reiterates this advice.
- 8.53. 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 200 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.

- 8.54. 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. 200-201). The application is therefore considered to accord with Development Plan Policy and the requirements of the NPPF.

#### Flood Risk and Drainage

- 8.55. 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.
- 8.56. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.57. The 1.53 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. HBBC Drainage and the LLFA have been consulted on the proposal.
- 8.58. The applicant has submitted a flood risk assessment and drainage strategy commensurate with the type of development. The LLFA advises that the application is acceptable based on the surface water design details provided within the application. The development should be constructed in accordance with the details provided.
- 8.59. Subject to the suggested conditions, the development is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

#### Ecology and Biodiversity

- 8.60. 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 180 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.
- 8.61. LCC Ecology initially responded to say that the site falls within a great crested newt 'Impact Buffer Zone' due to the presence of waterbodies and an existing records of this species within close proximity. As a result, impacts upon great crested newts will need to be considered further. The 'Ecological Appraisal' briefing note dated June 2021 submitted as part of the planning application is no longer valid due to the time that has lapsed. This time limit is set due to the potential for habitats to alter naturally over time, which can both positively and negatively impact upon the suitability for protected or notable species. Further information was sought from the applicant in this regard.
- 8.62. An updated Preliminary Ecological Appraisal was subsequently submitted by the applicant and the Ecology team at LCC were re-consulted. The Ecologists consider the report to be satisfactory. The assessment identified that the proposed development site is of no significant ecological significance and no further surveys are considered to be required prior to the determination of the planning application.

There have however been recommendations made within the report for precautionary measures in relation to vegetation clearance and construction phases, along with provision of ecological enhancements which the LCC Ecology Team consider can form a suitably worded planning conditions.

- 8.63. 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

- 8.64. 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.

- 8.65. 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.

- 8.66. There are designated heritage assets located within a proportionate study area from this application site including the Ashby Canal Conservation Area which is c.700m west of the site and the Market Bosworth Conservation Area which is c.900m 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.

- 8.67. 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.

- 8.68. 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.

Planning Balance

- 8.69. 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.
- 8.70. The site is identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility.
- 8.71. The proposal for holiday accommodation is therefore compatible with Development Plan policy including the Market Bosworth Neighbourhood Plan.
- 8.72. Whilst impact on the visual and landscape character of the area is a material consideration it is considered in this instance that the proposal as submitted addresses the previous concerns raised and the single storey, minimal number of lodges proposed would have a localised and limited impact on the vistas and views. The scheme is not considered to adversely alter the character and verdant nature of the site, particularly given the scale and size of the golf course taken as a whole. It is considered that with the existing landscape features on site, and, a proposed landscape condition as part of any permission granted, the lodges would be screened to an acceptable degree to help soften and mitigate their overall appearance against the backdrop of the golf course and wider countryside beyond.
- 8.73. There are no other material considerations to warrant refusal of this application and subject to the conditions set out below the application is therefore recommended to Members 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 the 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 (1) of the Town & Country Planning Act 1990.

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

- Site Location Plan; received January 2024
- Proposed Site Layout Plan - HMDPD/0534/02 received January 2024
- Proposed Plans & Elevations - Drg No. HMD/PD/0534/01 received January 2024

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling 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 DPD 2016 and the requirements of the NPPF 2023.

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. Notwithstanding the provisions of Classes C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any change of use by any subsequent order, the holiday units hereby approved 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.

**Reason:** This is development which is only permitted at this location because it provides holiday accommodation. This needs to be carefully controlled to accord with Policy 23 of the Core Strategy.

6. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up to date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection on demand by an authorised officer of the Council.

**Reason:** The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a dwelling for holiday purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.

7. No construction work shall take place at the site outside the hours of 0730 to 1800 Mondays to Fridays, 0730 to 1300 Saturdays and no construction work shall take place at any time on Sundays or Bank Holidays.

**Reason:** To protect the amenities of nearby residents according with Policies DM10 and DM24 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

8. No development shall commence on site until such time as the existing and proposed ground levels of the site have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

9. 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 unless the Local Planning Authority gives its written consent to the variation.

**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) and the requirements of the NPPF 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 Proposed Site Layout Plan - HMDPD/0534/02. Thereafter the onsite parking (and turning) provision shall be kept available for such use 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 NPPF 2023.

11. No development shall commence on site until such time as a construction traffic management plan, that includes as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming hazardous for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area according with Policy DM18 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

12. No development shall commence on site until such a time as a construction environmental management plan has been submitted to and approved in writing by the local planning authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (detail as appropriate, e.g. badgers, bats, breeding birds) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The details to be submitted should also include details on how the neighbouring woodland identified as a LWS will be protected throughout construction. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023)

13. No development shall commence on site until a low impact lighting strategy is submitted to and approved by the Local Planning Authority for the site during and post-development, which will include the measures as set out in the Preliminary Ecological Appraisal March 2024.

**Reason:** To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023).

14. No development shall commence on site unless and until the following Reasonable Avoidance Measures (RAMs) are carried out under the supervision of a licenced Great Crested Newt ecologist:

- All site contractors are to be inducted through a Toolbox Talk hosted by a suitably qualified ecologist on the presence of great crested newts and

their legal protection. All contractors are to sign the Toolbox Talk and agree to the proposed RAMs;

- A designated working area will be maintained to minimise total working area (limited to the access track itself), which will be marked out by the ecologist (where necessary). A fence and/or sign will be situated to mark the working areas to ensure no contractors and vehicles do not enter areas which have not been checked for great crested newts.
- Any vegetation on site to be cleared should first be strimmed to approximately 15 cm and left overnight, allowing any animals the chance to naturally disperse from site. A fingertip search of any vegetated areas should then be undertaken to check for the presence of great crested newts.
- Once the ecologist has declared all areas of potential for great crested newts have been checked, the proposed works can continue unsupervised.
- Storage of materials is to be on pallets i.e. raised off the ground and on areas of hard standing or tarmac. No materials to be stored on vegetation.
- All working areas are to be maintained as bare ground or hardstanding throughout the construction phase.
- All open pits and pipes are to be covered during the night, with a check for presence of amphibians conducted prior to covering.
- If excavations are exposed and/or created, a slope will be positioned within the excavation to allow amphibians and mammals to escape should they fall in.
- Under no circumstances should site contractors attempt to handle great crested newt.
- Ecologist to undertake a site visit upon completion of works to confirm that the works have been undertaken using the above risk avoidance measures and that habitats have been restored.
- Should a great crested newt be located during the RAM's, all works must cease immediately, your ecologist notified where applicable (an email, text, or voicemail is not sufficient), and Natural England contacted for advice. No great crested newt is to be handled and the refugia is to be placed back to provide suitable cover.

**Reason:** To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023).

15. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

**Reason:** To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.

16. Prior to occupation of the development hereby approved details of the provision of bat and bird boxes and insect hotels shall be submitted to and approved in writing by the local planning authority. The approved details shall

be implemented prior to first use of the accommodation and shall be retained as such thereafter.

**Reason:** To help encourage wildlife species and their habitats in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 and Section 15 of the National Planning Policy Framework (2023).

17. The development hereby permitted shall only be carried out in accordance with the drainage details set out in the submitted Flood Risk Assessment received by the local planning authority on 20 March 2024.

**Reason:** To help prevent flooding and maintain surface water runoff quality in accordance with Policy DM7 of the Site Allocations and Development Management Plan DPD 2016 and the requirements of the NPPF 2023.

18. Prior to commencement of development a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved details prior to occupation of the development. The soft landscaping shall be maintained for a period of 5 years from the date of planting. During this time, any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

**Reason:** To ensure the development has a satisfactory external appearance in accordance with Policy DM4 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.