

**Planning Committee 24<sup>th</sup> September 2024  
Report of the Head of Planning**

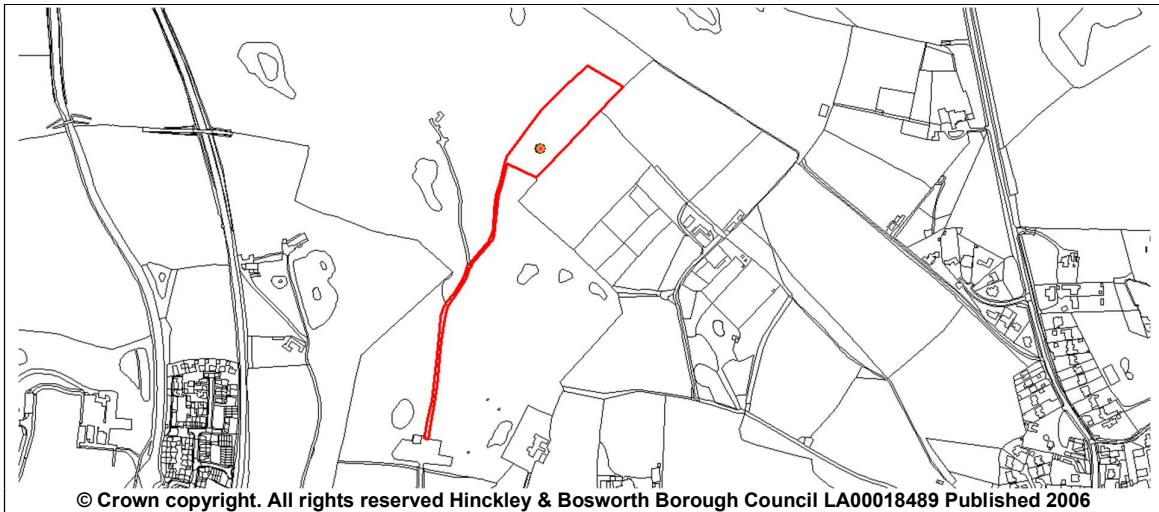


Hinckley & Bosworth  
Borough Council

**Planning Ref: 24/00513/FUL  
Applicant: Statue Homes Ltd  
Ward: MB – Cadeby, Carlton, M Bosworth & Shackerstone**

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

**Proposal: Erection of 4 golf holiday lodges and associated works – resubmission of  
24/00027/FUL**



**1. Recommendations**

- 1.1. That the application be approved subject to:
  - Conditions outlined at the end of this 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 planning application 24/00027/FUL which was refused planning permission in May 2024 by Planning Committee. The previous scheme was refused for the following reason:

*'The proposed lodges would be sited in a sensitive location outside the settlement boundary of Market Bosworth. By virtue of its 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 Neighbourhood Plan and Policy 23 of the Core Strategy.'*

- 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.
- 2.5. The application as submitted comprises the following information:
  - Site Location Plan;
  - Proposed Floor Plans and Elevations, Roof Plan, drawing no. HMP/PD/0534/01;
  - Proposed Site Layout Plan, drawing no. HMD/PD/0534/02
  - Preliminary Ecological Appraisal by Swan Environmental dated March 2024
  - Flood Risk Assessment

### **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 north 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 course, driving range, club house 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 (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
- 23.10.2018 (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

- 16.12.2022 (appeal dismissed)

**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 (appeal dismissed on ecological grounds)
- 18.07.2023

**24/00019/FUL**

- Proposed erection of a 50x room golf and leisure accommodation facility with associated works (part revised scheme to 19/01437/OUT)
- Approved
- 12.04.2024

**24/00026/FUL**

- Erection of 2 subterranean golf holiday lodges with associated works
- Approved
- 07.06.2024

**24/00027/FUL**

- Erection of 4 golf holiday lodges and associated works
- Refused
- 09.05.2024

**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. No third party and/or neighbour objection letters have been received.

## **6. Consultation**

6.1. No objection has been received from:

- HBBC Conservation Officer
- HBBC Waste Services
- HBBC Environmental Services
- HBBC Drainage
- LCC Archaeology
- LCC Highways – subject to a condition
- Sport England

6.2. Market Bosworth Society – Object.

The Market Bosworth Society normally comments upon applications within the Conservation Area and occasionally on other applications which have an impact upon the Conservation Area or are of a concern to its members. Once again we are presented with an application to build upon the golf course. This will have a negative impact upon the green space and amenity of the land. The number of apparently pointless applications is quite puzzling to members. The covering letter of this application seeks to explain the rights of the owner in regard to the number of applications submitted. The owner does have the right to submit as many applications as he wishes. Just the same as he could drive along The Gated Road at the National Speed limit. But in so doing it would cause comment upon his judgement to do so as is the case here. Driving at the National Speed limit along The Gated Road would be foolhardy. Making and then not acting upon planning applications could be viewed similarly. But that is not for us to say. Suffice that we recognise the owners fervent desire to build upon the golf course and sadly the unlikely return of golf to this green space.

Members have been alarmed by the volume of applications to build on the golf course which is a valued asset as a green space and even more valuable as a functioning golf course. This application appears to rule out the possibility of golf being played on the land in the future. Having people, especially miners on the golf course, not on specified footpaths is dangerous. A moments lack of attention or a stray golf ball and the outcome could be most dangerous.

The development also falls outside the Neighbourhood Plan as lodges on a golf course as described breach policy CE1 and CE1a The application is outside DM9 which safeguards Natural and Semi Natural Open Spaces, such as a golf course. DM 10 as the proposal will have a serious and negative impact upon the privacy and amenity of golfers using the course. More importantly it conflicts sharply with DM 4. The community of Market Bosworth came together to create a Neighbourhood Plan recognising the needs of the Borough to deliver homes and the needs of residents to keep the unique beauty of Market Bosworth intact. When asked to sanction building on the North side of Station Road the vote produced a resounding no. Another two sites were identified, Sedgemere and Station Fields. The former is now almost complete with another 73 houses for people to enjoy.

1) Views and Vistas (NP Policy CE1) - this is detrimental to community assets in the form of the views and vistas across the golf course.

2) NP CE1a building holiday lodges is not in keeping with the character of this golf course.

3) Conflict starkly with DM4 as it will be impossible to play golf on the golf course due to the presence of these lodges and risk to the occupants from flying golf balls.

The Market Bosworth Society objects most strongly to this application proceeding for the above mentioned reasons. We would support the return of the golf course to a playable condition should that be an option.

6.3. Market Bosworth Parish Council (MBPC) – Object.

MBPC is concerned by the resubmission of an original application that was refused just a few months previously. The resubmission has not addressed the key reasons for the decision to refuse and the application contains no new supporting planning evidence. The resubmission therefore still presents a narrative which is inaccurate and misleading by omission of relevant information. It is important that officers and the planning committee are aware of this. This is notably exemplified in the Planning, Design and Access Statement (PDAS) which has not been updated for the resubmission:

- 1) It does not reflect the outcomes of a number of decisions and a subsequent Appeal. As such the approved development of a 50 bedroom hotel and a further 2 lodges already significantly exceeds the provision of golf holiday provision originally proposed for this location.
- 2) It does not reference a recent Appeal which dismissed an application for 9 lodges in a different location, notably on ecological grounds – with regards to the ecological report submitted with the application, the Inspector's view, (para 31) was:

“Therefore, and notwithstanding the suggested conditions, including a management plan, it has not been clearly shown that the proposal would not harm protected species or provides suitable mitigation.”

MBPC is similarly concerned that the application has not satisfactorily demonstrated any mitigations to prevent harm during or post development to the protected species and plethora of other significant species identified as relevant to the proposed site in the Ecological Appraisal. None of the submitted ecological or biodiversity submissions consider the negative ecological impact that may result from the disturbance, not only to the immediate location of the lodges, but also to the surrounding habitats that will be disturbed during the construction phase and subsequently post completion. Whilst some mitigation proposals for action are identified in the ecological appraisal, the statement in the application PDAS para 7.4 simply states:

“The development will contribute to protecting and enhancing the natural and built environment, by enhancing the ecological value of the site and providing appropriate mitigation measures”

MBPC contends that all mitigation measures need to be fully identified, as well as how they will be implemented, before this application can be considered given the significance of this location and its proximity to other private mature woodland which will potentially be negatively impacted by this proposal.

The impact on wildlife established in the mature woodland to the immediate rear of the proposed lodges is in private ownership and therefore outside the scope of the ecological assessment. The established woodland includes diurnal and nocturnal wildlife. The potential harm to any wildlife corridors established from the mature woodland to other landscape features such as the nearby streams and coppices do not appear to have been addressed by this application.

The introduction of motor vehicles, including vehicular headlights at night, plus outdoor safety lighting and in-cabin lighting, would all change the immediate ecosystem.

The lack of clarity in the PDAS as well as the initial application form as to how foul sewage is to be disposed of is another ecological concern. The document 'Statutory Biodiversity Metric Start Page' was unreadable due to the format when opening. The PDAS does not provide an overview of the overall multiple planning applications which together should be considered as having a dispersal effect. This will have a significant impact on the character of an open countryside setting enjoyed by locals and visitors alike who utilise the public rights of way for leisure and tourism.

The PDAS para 2.3 states:

"The Council will be aware that the Applicant purchased the site from receivers in September 2016 after the previous owner's golf business went into liquidation in April 2016. Since then, the applicant has continued to maintain the golf course grounds, mowing daily between March and November and ensuring that the facility does not become abandoned."

Daily mowing is not an accurate reflection of reality. Whilst daily mowing all year round (weather permitting) is a feature of operational golf courses, this former golf course has not been mowed all year round since 2016. The golf course has become featureless as tees, greens, fairways and bunkers have become uniform in appearance with only the harshest of grasses and other naturalised wild plants becoming dominant. In fact, the PDAS para 3.8 admits to the mowing schedule as being weekly cuts from March to September, although local people who use the PROWs regularly will testify that this is a generous over assertion. The PDAS references and reinforces the location of the Golf Course as promoting sustainable transport (paragraphs 6.3, 6.35 and 7.1) and as such in para 6.3 cites the local development plan Policy DM24:

"DM 24 relates to tourism development, stating that the Borough Council will seek to support the development of new cultural and tourism facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they can be accessed by a range of sustainable transport modes."

There is no direct public transport close to the proposed development or even to the main access point to the Golf Course. The bus service which served the western end of the town was withdrawn several years ago. The assertion that users are not likely to rely on the motor car, and all applications so far, are not compatible. The golf clubhouse application approved parking for 200 vehicles, the 50 bedroom hotel application approved an additional 94 car parking spaces plus 12 disabled spaces. The 4 lodges under consideration in this application identify a further 2 car parking spaces for each lodge.

This application serves to compound MBPC's concern in respect of the dispersal effect of lodges across a wide area of open countryside which require vehicular access. Given that access is along narrow tracks and assuming any visitors staying at the lodges will want to access the clubhouse facilities or the town in an evening then safety lighting will be required along the track adding light pollution to an otherwise light free environment.

The original application was refused by committee with the decision notice that:

“The proposed lodges would be sited in a sensitive location outside the settlement boundary of Market Bosworth. By virtue of its 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 Neighbourhood Plan and Policy 23 of the Core Strategy.”

MBPC contends that the location of the proposed development of 4 holiday lodges which are dispersed away from the main permitted golf course facilities i.e. proposed clubhouse, proposed hotel, proposed conversion of holiday lodge no.1 and two subterranean lodges, would not only do significant harm to the landscape and character policies CE1, CE3 and CE5, but also to the wider natural habitats and biodiversity in proximity to the proposed site location. The development could also establish the principle of dispersed holiday lodge development over the site. The site location remains vague in respect of precise measurements of each lodge in relation to the mature woodland immediately behind the site, the distance from the two public rights of way S68 and S70, and the proximity of the lodges to the playable elements of the golf course i.e. fairway, tees, green and bunkers. Neither the submitted location plan or site location plan provide any measurements or scale from which to determine the exact location.

A previous application 21/00195/FUL for the same location was refused at Appeal. However, the Statement of Case for the said Appeal identifies the location of the proposed development in relation to the two PROW's S68 and S70 see Figure 1. The blue circle identifies the proposed main clubhouse facilities and hotel, and the red star marks the site location of the proposed holiday lodges. The proposed location is clearly in an isolated position in open countryside midway between the two PROWs and to the left of a significant area of mature woodland. This application has not addressed the issues raised in the original Decision Notice. MBPC contends that the applicant is unable to address the decision by demonstrating any mitigation whatsoever in respect of the policies breached in that Decision Notice. Similarly, a previous application for 9 lodges 21/00195/FUL was refused by committee and subsequently went to Appeal APP/K2420/W/23/3315336 and was dismissed, the Inspector concluding:

“The proposal would have a significantly harmful effect on the character and appearance of the countryside including its landscape character. Therefore, the proposal would not be sustainable development. The proposal conflicts with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.”

The Appeal Decision, para 42, pointed out that the implementation of 9 lodges: “Having regard to the North Warwickshire and Hinckley and Bosworth Destination Management Plan 2017 – 2022, I acknowledge that the area may be a compelling place to visit and that the provision of 9 holiday cabins has the potential to support the local tourist economy. However, I am not aware that there is a critical need for such accommodation. Jobs associated with the holiday cabins and the spend of those using the cabins in local services and facilities are unlikely to be of a substantial magnitude. Therefore, I attach limited weight to the potential economic benefits that might derive from the development.”



MBPC therefore contends that the reduction in number of lodges, although not as obtrusive as 9 lodges referenced in the Appeal, would bring even less economic benefit whilst still having visual impact on the views and vistas in the open countryside notably from PROWs' S68 and S70 and potentially from S69. The modified Market Bosworth Neighbourhood Plan (Regulation 15) was submitted to Hinckley and Bosworth Borough Council for Regulation 16 consultation on 9th May 2024. The modified Plan includes an extensive independent landscape review identifying Vistas G, H and I as important vistas of open countryside embracing this area of land and are therefore relevant to this application.

The Landscape Review underpins the modified policies in relation to Policies CE1, CE3 and CE5. Similarly MBPC had a full independent assessment of the character areas within Market Bosworth Parish for the development of the Design Codes. The Design Codes Policy DC1 underpins the principles embodied in the Neighbourhood Plan. This reapplication has not addressed the reasons for refusal set out in the Decision Notice for the original application.

The applicant has not submitted any new evidence in the reapplication other than a quasi-legal letter citing accusations against members of the planning committee. The letter which was in the public domain for several days was subsequently withdrawn from the portal. This can only be seen as an attempt to usurp the planning process rather than find viable methods to mitigate the application. MBPC have identified and included additional concerns in respect of the lack of ecological survey data in respect of the specific location and especially the mature woodland bordering the proposed site location.

The Planning, Development and Access statement submitted with the application includes a number of inaccuracies and attempts to portray a narrative that does not resonate with reality.

The Modified Neighbourhood Plan (Regulation 15) is with the LPA awaiting Regulation 16 Consultation. The Modified Plan policies especially in relation to development in the open countryside also must be taken into consideration. MBPC suggests that, if planning permission is granted for this application, then conditions should be applied as per those applied to recently approved planning applications 24/00019/FUL and 24/00026/FUL which also relate to Kyngs Golf And Country Club, including that the lodges shall only be occupied as short term holiday lets associated with the proposed clubhouse and hotel and shall not be occupied until the 18-hole golf course is fully re-instated and operational. Also that the lodges shall be screened from the nearby public footpaths.

- 6.4. LCC Ecology – A BNG Metric has been supplied with this resubmission. While the original metric is requested for ease of review, the facsimile provided in the planning portal indicates a net gain of 16.77% habitat units and 18.67% hedgerow units is achievable by the proposed landscape plan. It is recommended that a Landscape Ecology Management Plan (LEMP) is submitted to and approved in writing by the LPA. The LEMP should include detailed descriptions, aims and objectives of the habitats proposed on Site, management to achieve conditions stated in the BNG calculation, prescriptions for management actions, work schedule, planting lists and monitoring scheme. The PEA associated with the previous planning application sets out recommendations for precautionary measures in relation to vegetation clearance and construction phases, along with provision of ecological enhancements which can form a suitable planning condition. Production of a Construction Ecological Management Plan (CEMP) is recommended. This should

be submitted to and approved by the LPA and include measures to safeguard protected species on Site including timing of works, setting out of biodiversity protection zones (BPZs) including appropriate buffers for retained vegetation, identification of potentially damaging construction activities with practical measures to avoid/minimise impacts during construction.

- 6.5. Carlton Parish Council – Is concerned that this application could establish the principle of dispersed holiday lodge development over this site. The PC 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:
- (i) 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;
  - (ii) that a landscaping plan be required, which will screen the proposed lodges from public footpaths S68 and S70;
  - (iii) that no security lighting shall be installed outside the lodges or around the car parking areas.
- 6.6. LCC Drainage (LLFA) – Further information required. 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. 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.

Further response received from the LLFA (Aug 2024) - 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.

- 6.7. Cadeby Parish Council - As a rural partner and stakeholder of Hinckley and Bosworth Borough Council, object to the Planning Application concerning the proposed four lodges to be sited at the Kyngs Golf , Market Bosworth - Application number 24/00513/FUL. The revised application does not address the inspectors concerns outlined in the appeal decision - APP/K2420/W/24/3337087 - dated 08/07/2014.

## **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) (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.

8.3. 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) and the Market Bosworth Neighbourhood Plan.

- 8.4. The Emerging Local Plan for 2020-2041 is currently at Regulation 18 stage, with the public consultation running from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS), was published on 08 February 2024. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including the Regulation 19 Consultation which is not scheduled until January-February 2025. Given the early stage of the Emerging Local Plan and outstanding evidence, the emerging policies are attributed very limited weight.
- 8.5. 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.
- 8.6. 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.
- 8.7. 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.
- 8.8. The application site is identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility.
- 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. 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 and ref 24/00026/FUL for 2x subterranean golf holiday units.

- 8.11. 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. 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).
- 8.12. 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) and recently approved permission 24/00019/FUL.
- 8.13. 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.
- 8.14. 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

- 8.15. 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)).
- 8.16. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.17. 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.
- 8.18. 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).

- 8.19. 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.
- 8.20. It is noted that the access drive crosses Public Footpath S70. However, it is considered by the LHA that the site traffic would be limited so the use and enjoyment of the footpath route would not be significantly affected.
- 8.21. 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.
- 8.22. 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

- 8.23. 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.
- 8.24. 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.
- 8.25. 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).
- 8.26. 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.
- 8.27. 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.
- 8.28. This proposal has been submitted further to a refusal by the LPA for 4x holiday lodges ref 24/00027/FUL. 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.
- 8.29. 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.
- 8.30. 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

- 8.31. 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.
- 8.32. 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.
- 8.33. 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.
- 8.34. 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”*

- 8.35. 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
- 8.36. 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.
- 8.37. 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.
- 8.38. The Parish Council/Market Bosworth Society have raised concerns about the impact the proposed lodges would have on the important vistas and views identified within the Market Bosworth Neighbourhood Plan.
- 8.39. 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.
- 8.40. 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.
- 8.41. 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.
- 8.42. 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.

- 8.43. The location of the proposed lodges are approximately 1km northeast of Station Road and situated on the edge of the site and in part shielded from view by a small 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'.
- 8.44. 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.
- 8.45. The latest appeal decision ref APP/K2420/W/24/3337087 for 9x holiday lodges was not dismissed on landscape and visual impact grounds. The Inspector's decision stated that:

*'Based on my visit I acknowledge that because of the limited built forms and the green and generally natural appearance of the site and its immediate surrounds, this complements the intrinsic character and beauty of the countryside which surrounds the town. Nevertheless, I am mindful that the appeal site forms part of an existing recreation facility which benefits from a modified landscape and some existing and approved built development. Also, as already stated, subject to the reinstatement the golf course use, in principle, the appeal site is suitable for the type of development proposed.'*

*'Overall, although the proposal would bring some change in localised views, for the above reasons, this would be of a design and at a scale which is appropriate to minimise impact and assimilate with the character of the surrounding area. Therefore, this would not have a significantly harmful effect on the character and appearance of the area including its landscape character. As such, the proposal accords with design aims of SADMP Policy DM4 and Policy 23 of the CS and similar aims of Policy DM10 of the SADMP.'*

- 8.46. 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

- 8.47. 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.
- 8.48. 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.
- 8.49. 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.
- 8.50. The Environmental Health Officer has no objections to the proposed development.
- 8.51. 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.
- 8.52. Market Bosworth Society have raised amenity concerns in respect of the proposed proximity of the lodges to the golf course/public rights of way 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.
- 8.53. 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

- 8.54. 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.
- 8.55. 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.

- 8.56. 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

- 8.57. 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.
- 8.58. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.59. 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 both been consulted on the proposal.
- 8.60. 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.
- 8.61. The development is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

#### Ecology and Biodiversity

- 8.62. 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.
- 8.63. A Preliminary Ecological Appraisal (dated March 2024) has been submitted by the applicant and the Ecology team at LCC were consulted. The Ecologists consider the report to be satisfactory. A BNG Metric has been supplied with this resubmission. While the original metric is requested for ease of review, the facsimile provided in the planning portal indicates a net gain of 16.77% habitat units and 18.67% hedgerow units is achievable by the proposed landscape plan. It is recommended that a Landscape Ecology Management Plan (LEMP) is submitted to and approved in writing by the LPA. The LEMP should include detailed descriptions, aims and objectives of the habitats proposed on Site, management to achieve

conditions stated in the BNG calculation, prescriptions for management actions, work schedule, planting lists and monitoring scheme. The PEA associated with the previous planning application sets out recommendations for precautionary measures in relation to vegetation clearance and construction phases, along with provision of ecological enhancements which can form a suitable planning condition. Production of a Construction Ecological Management Plan (CEMP) is recommended. This should be submitted to and approved by the LPA and include measures to safeguard protected species on Site including timing of works, setting out of biodiversity protection zones (BPZs) including appropriate buffers for retained vegetation, identification of potentially damaging construction activities with practical measures to avoid/minimise impacts during construction.

- 8.64. As such, it is considered that subject to the proposed conditions requested by the Ecology Team, the proposals meet the requirements of Policy DM6 of the SADMP with respect to ecology matters, as well as requirements of the NPPF (2023).

#### Heritage Impact

- 8.65. 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.

- 8.66. 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.
- 8.67. 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.
- 8.68. 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.

- 8.69. 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

- 8.70. 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.
- 8.71. The site is identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility.
- 8.72. The proposal for holiday accommodation is therefore compatible with Development Plan policy including the Market Bosworth Neighbourhood Plan and this has been acknowledged by recent planning appeal decisions too.
- 8.73. 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 for 4x single storey golf holiday lodges would have a localised and limited impact on the landscape impact and 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. The latest Planning Inspectorate appeal decision did not dismiss the appeal on landscape impact and this is also a key material planning consideration.
- 8.74. LCC Ecology are satisfied with the up to date Ecological Appraisal and there are no other material considerations to warrant refusal of this application. Therefore, subject to the conditions set out below the application is 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 Head of planning 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 May 2024
- Proposed Site Layout Plan - HMDPD/0534/02 received May 2024
- Proposed Plans & Elevations - Drg No. HMD/PD/0534/01 received May 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. 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 accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

10. 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 DM17 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

11. 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 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 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).

13. 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 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

14. 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 Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

15. 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).

16. 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 July 2024.

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

17. 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.