

Delegated Report

Planning Ref: 24/01157/HYB

Applicant: STATUE HOMES LTD

Ward: MB – Cadeby, Carlton, M Bosworth & Shackerstone

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



Hinckley & Bosworth
Borough Council

Proposal: Hybrid planning application seeking full planning permission for the erection of a golf leisure and health spa and outline planning permission (all matters reserved except for access) for the erection of up to 126 holiday lodges with associated works.

1. Recommendations

1.1. Refuse for the following reasons:

- 1. The application has failed to provide sufficient information to fully assess the drainage impacts of the proposed development, specifically the full part of the hybrid planning application (health/spa and car park) does not provide an appropriate surface water drainage strategy. The application does not provide a legible plan showing which areas of the site are being developed under the full proposal, account for all impermeable areas or the management and maintenance of the drainage elements. Therefore, the application is contrary to Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF specifically Paragraphs 170, 181 and 182.**
- 2. The application has failed to provide sufficient information to assess the ecological impacts of the proposed development. Insufficient or inadequate information has been provided with respect to Biodiversity Net Gain and the impact on Great Crested Newts. Therefore, the application is contrary to Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF specifically Section 15.**

2. Planning application description

2.1. This hybrid application seeks full permission for a golf leisure and health spa facility and outline permission (all matters reserved except for access) for the erection of up to 126 holiday lodges with associated works.

2.2. The proposed golf leisure and health spa is proposed to be located to the southern part of the application site in close proximity to the golf clubhouse and hotel granted as part of planning permission 24/00019/FUL. The proposed spa seeks to include the following facilities:

- Entrance/atrium area**
- Swimming pool**
- Sauna**
- Steam room**
- Changing areas and WC's**
- Gym**

- Fitness/dance studio
- Hydrotherapy pool
- Beauty/treatment rooms
- Retail areas
- Bar/balcony area
- Office

The spa facility is proposed to have a footprint of approximately 2222 square metres and is approximately 7.3 metres in height at its highest point.

- 2.3. Outline permission is also sought for up to 126 golf lodges in the northern section of the application site covering 3.58 ha approx. The details provided as part of this application illustrate the provision of 1 and 2 bedroom lodges. One bed lodges would accommodate up to 2 people and the 2 bed lodges would accommodate up to 4 people.
- 2.4. Access to the proposed development will utilise the existing access arrangement to the Golf Club from Station Road.
- 2.5. The red line boundary for the application has been amended since the original submission and details provided by way of amended Location Plans. This first change was made in order to exclude some areas of the application site considered to be at high risk of flooding which was previously shown to accommodate proposed holiday lodges (to the north of the site). Another change was also made further to comments from the local highway authority regarding car parking provision and so the revised details include a car park which was previously granted permission under ref 24/00019/FUL.
- 2.6. Since the initial submission of the planning application, the following information has been sought from the applicant:
 - Landscape and Visual Impact Assessment
 - Sequential Test
 - Missing appendices from the Flood Risk Assessment
 - Revised FRA
 - Further Drainage information
 - Air Quality Assessment
 - Noise and lighting details
 - Statutory BNG metric
 - Historic setting assessment
 - Archaeological Desk Based Assessment
 - Highway information
 - Riparian zone/catchment information/River condition assessment
 - Approach to Great Crested Newts
 - The hydrological impact pathway from the proposed development to the Ashby Canal SSSI
 - Revised red line plan – in respect of flooding matters/car parking provision
 - Car parking details
 - Further ecology information

3. Description of the site and surrounding area

- 3.1. The proposed development lies 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 hybrid application site consists of a large section of land along the northern boundary of the Golf course for up to 126 proposed holiday lodges (the outline part of the scheme).
- 3.3. The hybrid application also proposes a health/spa facility (full part of the scheme) which is shown to be located to the south of the application site in close proximity to the approved Golf Clubhouse and 50 bed accommodation building recently granted permission under ref 24/00019/FUL.

4. Relevant planning history

- 4.1. There is much planning history associated with this site:
- 92/01068/COU - Golf course, driving range, club house and maintenance buildings - **REFUSED**
 - 98/00963/COU - Proposed golf course and ancillary facilities including club house **APPROVED**
 - 02/00685/COU - Proposed golf course and ancillary facilities including siting of club house and associated parking - **APPROVED**
 - 07/01287/FUL - Erection of a greenkeepers store associated with the golf course - **APPROVED**
 - 08/00217/FUL - Retention of slab area - **APPROVED**
 - 08/00365/FUL - Erection of a golf club house, new access and associated parking and manager's flat - **WITHDRAWN**
 - 08/00750/FUL - Erection of golf club house, new access and associated parking and managers flat - **APPROVED**
 - 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**
 - 17/00528/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**
 - 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 (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**
 - 21/00195/FUL - Erection of 9 holiday cabins with associated parking and landscaping – **REFUSED (appeal dismissed)**
 - 21/01473/FUL - Erection of 9 single storey holiday lodges with vehicle parking and associated works - **REFUSED**
 - 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**
 - 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**

- 23/00508/FUL - Erection of 9 single storey holiday lodges with vehicle parking and associated works – **REFUSED**
- 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**
- 24/00026/FUL - Erection of 2 subterranean golf holiday lodges with associated works - **APPROVED**
- 24/00027/FUL - Erection of 4 golf holiday lodges and associated works – **REFUSED**
- 24/00513/FUL – Erection of 4 golf holiday lodges and associated works - **APPROVED**

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. 41 third party and/or neighbour objection letters have been received raising the following concerns (in summary):

- The Market Bosworth community has previously supported a sustainable and viable solution related to developing golf holiday accommodation but only once a playable golf course has been established.
- Since changing hands there has been no evidence of any attempts to maintain or reinstate a golf club or course.
- The proposed developments would greatly reduce the area of land which could potentially be used for a golf course, meaning that the likelihood of the viability (and hence the provision) of a golf course is questionable. The sheer size of the proposed building would erode the character of the area.
- This application for a spa is on a site with permission to build 6 single storey cottages. Stringent conditions were imposed on the granting of that development, including that a viable golf course was established.
- The application contains no business plan or any evidence to support the demand for a health spa and 126 holiday lodges in this location.
- Market Bosworth is already well served with a 100+ bedroom hotel, numerous bed and breakfast establishments and a site for 103 holiday lodges.
- Access to the lodges would require travel across a golf course in buggies. This would be dangerous to both golf course users and lodge users.
- The size and layout of the golf course has been reduced to accommodate these additional lodges. This would negate the enjoyment of the course and likely membership numbers and casual users, reducing golf course sustainability.
- The lodges are sited close to the golf course and for safety reasons would require high netting to protect lodge users and their access path. This would reduce the visual enjoyment for golf course users and lodge users, with significant additional setup costs.
- The proposed site is on a known flood risk area. Shortly before I wrote this objection the ground had been flooded. With a known flood risk how would users access the site, and how would emergency services access the lodges on a small track designed for buggies, impacting lodge users, emergency services and golf course users.
- In order to build the lodges, how would access for construction traffic be made across the golf course, offering safe access for golfers and construction workers?

- How would we know that the lodges are for holiday and short break purposes only? This could soon become a new “lodge housing” estate impacting on all community infrastructure, schools and health facilities.
- There can be little justification for the building of holiday lodges as the Water trust site still has a large number of lodge spaces available to purchase.
- Development of this scale would be certain to impact on the infrastructure of the town, especially its roads and car parking, as well as other services such as the doctors' surgery. It would also have a detrimental effect on the rural landscape.
- The spa and lodges are not wanted or required.
- This application does not have enough detail to understand the full impact, but yet again appears to be a tactic to build houses/lodges prior (or without) building a golf course with facilities.
- People live 12 months of the year on the marina. No doubt people will live 12 months of the year in the leisure chalets at Bosworth water park. So we can assume people will live 12 months of the year in the 126 golf lodges. This application is in all honesty taking the Mickey. The applicant hasn't even submitted proper full plans. Why because this is just another stab in the dark until we all get application fatigue.
- A clear message should be sent to these applicants that they cannot keep sidestepping the requirement for a working golf course or the need to substantiate the rationale of the developments being proposed, beyond their obvious profit motivation.
- This application would represent considerable visual blight in this very attractive part of rural Leicestershire. Our property is one of approximately 12 properties located in Carlton village facing southwards and directly overlooking the "dormant" golf course and proposed development site. This is a stunning vista towards Market Bosworth and one which is also shared by many others from all directions. From studying the map on the planning application we are horrified at the extent to which this development is proposed to encroach into the very heart of this rural landscape. It would also fundamentally change the rural character of the Western approach into Market Bosworth.

6. Consultation

6.1. No objection has been received from:

- Active Travel
- East Midlands Airport
- HBBC Waste Team
- HBBC Environmental Protection
- HBBC Conservation Officer
- LCC Minerals and Waste
- LCC Archaeology
- LCC Highways

6.2. Market Bosworth Parish Council – Object.

- The Neighbourhood Plan policies are based on considerable community consultation and reflect the rationale and context that underpins the MBNP. The application under consideration conflicts with the made MBNP and the modified Plan.
- MBPC objects based on the significant harm that will be generated by development on this proposed site to Neighbourhood Plan policies CE3 and CE5 and Local policy DM4.
- MBPC cannot support the applications which do not provide an appropriate level of detail to fully demonstrate the impact resulting from the installation of required

new infrastructure, necessary utilities and services required to operate the proposals.

- MBPC cannot support the applications which do not demonstrate the impact of traffic on Station Road and in Market Bosworth as a whole.
- MBPC cannot support the applications which have not adequately considered environmental impact or demonstrated how mitigations for example the introduction of light pollution, the impact of introducing soakaways as a means of water dispersal in an area that is already noted for flooding.
- Further development on this site would harm a key character approach to the town valued by the visitors to the heritage railway, the marina, the holiday lodge park and the revamped golf course when it reopens.
- The proposed development of 126 lodges does not sit well with the surrounding open countryside nor the existing settlement boundary.
- The proposed Health Spa does not sit well with other built development.
- The outline proposal for the 126 holiday lodges in the identified location would remove a significant element of the existing golf course layout thus reducing the attraction for potential golfers to play the course.
- If it is considered to grant planning permission for these proposed developments, MBPC requests that the same conditions be applied in line with previous applications to ensure that no development shall take place until the golf course has been restored and the club house operational meeting all the conditions identified in the decision notice for application 19/01437/FUL as well as any specific conditions in respect of the Health Spa and Golf Holiday Lodges.

Further response from Market Bosworth Parish Council - The Parish Council reiterates its objections as submitted on 23 January 2025 against the original application and now submits additional objections as per the enclosed document in relation to this latest re-consultation.

- Contend that nothing has been submitted since the response to the initial application that has materially affected either the proposal for the full planning permission request for the erection of a golf leisure and health spa or the outline planning permission request for the erection of up to 126 holiday lodges.
- MBPC is confused as to what, if any, proposals have been identified as amendments and resubmitted for consideration. The vast number of additional documents submitted by the applicant, including 3 different amended red line boundary maps, only serve to confuse the clarity of what the applicant is trying to achieve. There appears to be a plethora of responses to consultee comments and objections and the submission of several documents relating to extant planning permissions which have no bearing on either of the two matters under consideration.
- There is no point whatsoever providing a substantive development of golf holiday lodges and a 'golf leisure and health spa' with no active golfing facility. MBPC is now extremely concerned that:
 - A) the land has become such poor quality that restoration to a playable golf course will soon be unviable
 - B) the continual acquisition of permissions compromises the playability of the original 18 hole golf course and a reduction in size and/or a changed design might not be able to be reinstated to a standard that will attract serious golfers wanting to stay in the lodges or hotel.
 - C) There does not appear to have been any identified plans for changes to the golf course design, any risk assessment or Health and Safety assessments either to the individual applications or a holistic assessment relating to for what appears to be a growing tension between a leisure facility (golf) and a perceived notion of an ever-growing requirement for golfers to require accommodation. Whilst it is not uncommon to have PROWs on golf courses between potential

golfers and other visitors staying in accommodation, it is highly unusual, if not unprecedented, to have high volumes of traffic also crossing the golf course to various destination points. The PROWs across the golf course are extremely popular with links from the canal and railway corridor to the town centre, Carlton to the town centre and other circular routes. The general public, including many walking groups who utilise the PROWs in Market Bosworth, are a very important element of the tourist economy in the town.

- A holistic assessment by a professional golf course specialist is required to review the impact of extant permissions plus these proposed developments. The review should assess the viability of restoration of the golf course to a playable condition and the impact of the numerous potential developments, health and safety issues given the scattered locations, the potential loss of playable land and any other factors that might impact on the ability to achieve a viable outcome.

- The made MBNP 2025 policies DC1, CE1a, CE3 and CE5 are extremely pertinent to this application, and the proposed developments are in conflict with these policies.

6.3. Natural England – No objection subject to appropriate mitigation being secured.

- Natural England considers that without appropriate mitigation the application would damage or destroy the interest features for which Ashby Canal Site of Special Scientific

Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Agreed maintenance plan for green roofing
- Construction Environment Management Plan (CEMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

6.4. LCC Ecology – Holding objection. Further information required.

- The updated PEA has provided the requested evaluation of impacts on non-statutory designated wildlife sites. The recommendations within the PEA should be carried out in strict accordance with the report and best practise guidance including production of a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) as a condition to detail the advised precautionary methods of working.
- A full working BNG metric has been provided which indicates 10% is achievable for habitat units onsite but has not yet been achieved for watercourses. The proposed landscape schemes should be amended to address this deficit onsite or offsite compensation should be sought.
- The proposed development appears to lie within a named stream's riparian zone (candidate Local Wildlife Site (cLWS) Stream along Nailstone/Carlton boundary). This should be clarified and if the application boundary does lie within the riparian zone, a River Condition Assessment should be carried out by an accredited Individual, unless the red line boundary can be moved outside the riparian zone.

Further response from Ecology received – Holding objection.

The updated ecology report: Preliminary Ecological Appraisal (Arbtech, 25.08.25),

Biodiversity Net Gain Assessment (Arbtech, 27.08.25), BNG Metric does not include the additional area in the revised redline boundary: KGCC HYB red line sight layout plan 4.t (CAR PARK) (12/09/2025). This must be accounted for.

- It must also be noted the amphibian section of the report still refers to the DLL option and no reference is made to the additional GCN survey report.
 - It must also be noted the pond maps do not correlate for example: Pond 3 appears on both the southern site survey map, and northern section. (PEA report, BNG Assessment, GCN Survey).
 - There is also a query over pond 3 located in the southern section, it appears in Figure 26 in Appendix 4b and does not appear on the Pond map.
- Currently, the intentions of this mitigation have not been fully outlined in the Great Crested Newt Survey report (Arbtech, July 2025) to ensure the likelihood of a licence being granted by Natural England.

Further response from Ecology received Nov 2025 – Holding objection. Further information required.

Documents Required before Determination

- Up to date Preliminary Ecological Appraisal including maps of the additional southern section and pond 14 (GCN Survey July 2025).
- Up to date Biodiversity Net Gain Assessment to include baseline habitat maps of the whole redline boundary, north and south.
- Updated BNG metric to include strategic significance in accordance with the LNRS, baseline condition assessments, updating A-2 On-Site Habitat Creation tab.
- Clarification in regard to pond reference numbers (PEA report, BNG Assessment, GCN Survey July 2025).
- Great Crested Newt Mitigation and Enhancement Plan.

Latest response from Ecology received 21 November 2025 – Holding objection – further information still required.

- 6.5. **LCC Drainage (LLFA)** – Object. The application documents as submitted are insufficient for the LLFA to provide a substantive response.

Response from the LLFA (Nov 2025) – Further information required.

Following the submission of the Surface Water Addendum in August 2025, the LLFA request no further details on the outline portion of this site are required. The lodges will be raised off the ground and fitted with green roofs. Any further information required can be conditioned to be covered at reserved matters stage.

The email to the LPA dated 8th October 2025 suggests that the EA confirmed infiltration was suitable in their previous response. The LLFA would note that surface water drainage is not the remit of the EA and the LLFA is the statutory consultee in regards to surface water drainage. It is still unclear which parts of the site are being developed for the full part of this application. It is assumed that there is a new health spa building proposed to the east of the location and the road network and car park as required. However, a site plan showing all proposals and impermeable areas need to be submitted to confirm this. This was first request in June 2025 and is still outstanding.

No information has been submitted for the drainage elements of the proposed health spa and the corresponding car park and new road network. Whilst it is understood the car park and road network forms part of another planning application, it is now part of this development and within the red line boundary, therefore the LLFA needs to understand how this car park and road area will be drained.

Planning application 19/01437/FUL appears to be the planning application covering the other buildings, car park and road network on the site. This planning application has an approved drainage strategy and point of discharge, with several conditions

already discharged. The LLFA would be happy for that approved drainage strategy to be used for these new proposals, subject to the strategy being updated to include the new impermeable areas, the correct amount of attenuation being provided and demonstration that levels allow gravity connection. If this is the case the full details of this scheme should be provided for review. The application redline boundary should be amended to include all surface water drainage to the point of outfall in the west. Any changes which impact on the details already approved under 19/01437/FUL may require variation; this should be discussed with the LPA where appropriate. Given this area is currently greenfield, any new development should be discharging at QBAR greenfield rate. Details on how the applicant intends to drain all hardstanding areas need to be submitted. A detailed surface water drainage strategy including information on impermeable areas pre and post development, existing and proposed peak discharge rates (QBAR greenfield run off rates are required post development, see advice note 4 below), consideration of sustainable drainage systems, attenuation volume calculations including climate change allowance of 40% and location of such attenuation features. Information regarding a viable outfall under developer control or with prior approval from STW is also required. Consideration of maintenance requirements and access for the SuDS proposed on site should also be submitted. As this forms part of a full application this will set the layout of the site, therefore these drainage details are required upfront and cannot be conditioned. If the new health spa, car park and new road network are looking to infiltrate then infiltration testing needs to be completed now to prove that it is a viable option, infiltration cannot be conditioned in this case unless a viable gravity outfall which does not impact on layout is detailed.

There are several topological survey drawings for the site however none of them appear to show the entire site. A copy of the topo survey covering the whole site should be submitted for review. The information regarding the drainage on site has been outstanding for a significant amount of time, the LLFA first requested a drainage strategy for the site in January 2025. If the applicant believes that the information required has already been submitted please provide a response making it clear where in the submitted information it can be found, please include document names, version numbers, dates and page numbers. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- A detailed surface water drainage strategy as detailed above
- A legible development plan clearly showing which areas of the site are being developed with clear delineation between those areas seek outline and full approval
- A topographic survey showing the entire site
- Infiltration testing is required (ideally to BRE365 or similar approved) showing it to be a viable option should this be the primary method of surface water disposal for the full portion of this site. Details and locations of infiltration structures should be submitted along with calculations in line with CIRIA C753 to support any infiltration proposals within the full application portion of the proposals.

Latest response from the LLFA received 18 November 2025 – The latest information/email provided by the applicant does not answer the previous concerns raised by the LLFA. Our concerns/objections still stand.

6.6. Environment Agency – No objection subject to conditions:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk

Assessment submitted with this application are implemented and secured by way of planning condition 1 on any planning permission.

Condition 1

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) v4 dated 14 July 2025, Ref: FW2526_FRA_001_ revision (revisions showing as V2 on title page, V3 on header and V4 in revision History table) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 300mm above the top of the bank of the watercourse 100-year AEP plus an allowance for climate change modelled flood level (to be determined as part of any Full or Reserved Matters application, see condition 2 below). Sections 4.3.2 and
- The mitigation measures shall be fully implemented prior to commencement of the Holiday lodge red line boundary area and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

In addition, following consideration of the current proposed indicative site layout and red line boundary (drawn to avoid the currently shown flood zones extents), we would like to make an observation to inform the preparation of any subsequent Reserved Matters or a Full application for the Holiday lodge element area of the site, and thereby prevent an increase in flood risk.

The flood map for planning shows an unnamed watercourse flows south-westwards on the northern boundary of the site and whilst Flood Zones are associated with this, these were created by our national modelling methods, as such site-specific suitable hydrological and hydraulic modelling analysis of this watercourse is needed to confirm safe developable limits and any other mitigation measures prior to the development of the Full or Reserved Matters application for the holiday lodge site. This could be secured through an appropriately worded planning condition as set out in condition 2 below.

Condition 2

The development hereby permitted shall not be commenced until such time as suitable hydrological and hydraulic modelling analysis of the watercourse to establish the site specific 30 year, 100 year AEP flood event plus an allowance for climate change and 1000 AEP flood levels, to confirm the safe developable limits are within the submitted RLB plan Ref: 3917, and any other mitigation measures including safe finished floor levels has been submitted to, and approved in writing by, the local planning authority.

The mitigation scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Additional information

The above FRA has assumed the site Full and Outline areas both lie within FZ1, however this is not based on any site specific assessment for the Holiday lodge area, as such the site cannot yet be deemed safe for the lifetime of the development. We requested site specific modelling of the on site watercourse to be undertaken to confirm the flood risks, and this is yet to be undertaken.

As such, and as detailed above without confirmation of flood levels, and with so many guests potentially being put at risk, we are now requesting this be undertaken prior to any Full or RM applications are submitted for the holiday lodge element of this development. We see this as a pragmatic approach considering the applicant has not addressed points 1 and 2 of our previous response dated 20 June 2025, will confirm if point 3 remains valid, and it will facilitate the floor level mitigation detailed in the FRA (Condition 1 above).

- 6.7. **HBBC Drainage** - The appendices of the uploaded Flood Risk Assessment appear to be missing from the document and should be submitted for review. In terms of the flood risk for the hybrid application. The full application (health spa facility) - satisfactory in principle, subject to further the submission of FRA details as above
Outline application - the proposed holiday lodges are located within Flood Zone 3 and the Environment Agency may request specific conditions in relation to flood levels, safe routes, flood warning and evacuation, and flood storage compensation.

Further response from HBBC Drainage received – It is noted that the appendices of the Flood Risk Assessment are still not available for review.

Further response from HBBC Drainage received - The conditions advised by the Environment Agency in relation to the application, including hydraulic modelling of the watercourse and mitigation measures relating to modelled flood levels would be suitable to meet the relevant requirements of the NPPF.

- 6.8. **Market Bosworth Society** – Object.

- Concerned that there are currently 13 live permissions for lodges, plus a further 9 under consideration together with this latest application. There are also two live permissions for club houses/hotels. This appears to be over development.
- The Society is of the opinion that no facilities should be brought forward until they course has been returned to a playable condition and play has actually resumed with full memberships available.

- 6.9. **Carlton Parish Council** – Object.

- The development is in open countryside and not well related to the Market Bosworth settlement boundary or other built development; and (ii) the route of the proposed access track along the line of footpath S68 (the Leicestershire Round) will lead to conflict between walkers and the proposed electric buggies.
- The PC is concerned that the area of the site devoted to golf is becoming progressively reduced. The site originally comprised an 18-hole course with a 9-hole practice course. The practice course has been removed, and although the current proposal still shows an 18-hole course, several fairways have now been reduced in length so the course as a whole is much less challenging and unlikely to attract serious golfers. This undermines the justification for the amount of visitor accommodation on the site.
- If the Local Planning Authority should consider granting permission for this development, the PC requests conditions that (a) no development shall take place until the golf course has been restored and is open for use; and (b) the whole length of the proposed access track shall be surfaced with bound materials.

7. **Policy**

- 7.1. Market Bosworth Neighbourhood Plan / Review (made July 2025)
Policy DC1: Design Codes –Character Area A: Leisure & Tourism Design Code
Policy CE3: Important Views and Vistas
Policy CE5: Landscape of the Wider Parish

Policy BD4: Heritage Asset Protection

- 7.2. The Core Strategy (2009)
Policy 11: Key Rural Centres Stand Alone
Policy 23: Tourism Development
- 7.3. Site Allocations and Development Management Policies DPD (2016)
Policy DM1: Presumption in favour of sustainable development
Policy DM4: Safeguarding the Countryside and Settlement Separation
Policy DM6: Enhancement of Biodiversity and Geological Interest
Policy DM7: Preventing Pollution and Flooding
Policy DM10: Development and Design
Policy DM11: Protecting and Enhancing the Historic Environment
Policy DM12: Heritage Assets
Policy DM13: Preserving the Borough Archaeology
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards
Policy DM24: Cultural and Tourism Facilities
- 7.4. National Planning Policies and Guidance
National Planning Policy Framework (NPPF) (2021)
Planning Practice Guidance (PPG)
National Design Guide (2019)
- 7.5. Other relevant guidance
Good Design Guide (2020)
National Design Guide (2019)
Leicestershire Highway Design Guide

8. Appraisal

- 8.1. The following list represents the key issues for assessing this planning application:

- Principle of Development
- Impact upon Highway Safety
- Design and Layout
- Landscape and Visual Impact
- Impact on Residential Amenity
- Archaeology
- Flood Risk and Drainage
- Site of Special Scientific Interest
- Ecology and Biodiversity
- Heritage Impact
- Planning Balance

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 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 NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document 2016 (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 as reviewed.

- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 8.5. The application site is situated outside any defined settlement boundary and is therefore within the countryside. 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. The applicant has estimated between 6 -10 full time jobs would be created as a result of this proposal and so it is acknowledged that the proposed development and use would result in a moderate degree of economic growth and job creation as part of the construction process, running of the spa facility and ongoing use/maintenance of the lodges.
- 8.8. 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.
- 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. Permission has also very recently been granted under planning refs 24/00019/FUL, 24/00026/FUL and 24/00513/FUL for leisure and tourism facilities including golf holiday accommodation.

- 8.11. 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.
- 8.12. However, this application is also subject to it being acceptable with respect to all other material planning considerations, which have been assessed as set out below.

Impact upon Highway Safety

- 8.13. 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)).
- 8.14. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.15. Paragraph 116 of the NPPF 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 117 (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.
- 8.16. The local highway authority have been consulted on this application on a number of occasions and each time further information has been requested. Specifically concerns have been raised in respect of parking provision on site, the number of users of the facilities being proposed and the impact this may have on the local highway network and the access to the site.
- 8.17. Most recently, the LHA have been liaising with the LPA on the proposals and subsequent to this, the applicant provided an amended red line plan for the application site to include the car park design which was conditioned by the LPA as part of planning permission reference 24/00019/FUL (the proposed erection of a 50x room golf and leisure accommodation facility with associated works) at the same site. This however is yet to commence/start on site. The car park details include provision of 202 spaces. The applicant has confirmed that there would be 6-10 full time members of staff as a result of the proposals.
- 8.18. The access details for this scheme also show the same access details approved as part of application reference 24/00019/FUL. This includes widening of the existing access, improved junction radii and pedestrian footway improvements. The LHA consider that the proposed access arrangements and car parking details are acceptable for the scale/ type of development being proposed in this case and can satisfactorily accommodate the overall level of development for the extant permission and development being sought as part of this application.

- 8.19. In order to overcome the concerns raised by the local highway authority with respect to trip generations/vehicle movements for the facilities being proposed, it has also been agreed with the applicant that the proposed health spa would be restricted for use by guests of the proposed and consented holiday lodges, as well as users of the consented hotel and members of the golf club only and would not be open to the general public. The applicant agreed to a condition which could be used to restrict the use of the site in this way. The LHA is now satisfied that no further information is required in respect of trip generation for the health spa/holiday lodges on the basis that its use can be restricted by an appropriately worded condition.
- 8.20. The LHA are therefore satisfied that the proposals are acceptable from a highway access and safety perspective, subject to specifically worded conditions including a car park management plan, approved plans, restricting the use of the health/spa, and requiring the car park area being implemented prior to use of the development.
- 8.21. The LHA have also confirmed that they have no overriding concerns with the Public Rights of Way that cross the site (S68 and S70) but have advised a condition which deals with treatment of the public rights of way.
- 8.22. This application is therefore considered to comply with development plan policy specifically Policies DM10, DM17 and DM18 of the Site Allocations and Development Management DPD 2106 and the requirements of the NPPF with respect to access, parking and highway safety considerations subject to the conditions as recommended by the local highway authority.

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 is a hybrid application comprising full details for a health and spa facility building to be located to the southern part of the application site in close proximity to the golf clubhouse and hotel granted as part of planning permission 24/00019/FUL and also an outline scheme for 126 holiday lodges in the northern section of the application site.
- 8.26. 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.

- 8.27. The proposed spa building is described by the applicant and shown in the plans to comprise a combination of metal dressing and a sedum roof, glazed lanterns, full height glazing and two principal elevations framed with classical style columns and pediments. The design of the proposed facility is quite ornate and different to the buildings/development with extant approval as part of permission ref 19/01437/FUL. It will therefore be important to ensure that the materials are of high quality. The sedum roof is welcomed and external materials would be subject to a suitably worded condition to ensure samples are submitted to and approved in writing by the LPA before development commences to ensure quality, colour etc.
- 8.28. The ridge height of the proposed spa facility is approx. 7.3 metres at its highest point and will therefore be visible from Station Road. However, this is a golf club and the site is allocated as a leisure and tourism site. A spa building is therefore not considered to be out of context for this location and in terms of layout is to be situated in close proximity to the clubhouse, hotel and car parking area. A landscape condition is proposed in order to help soften and enhance the proposed building and to ensure that it is sympathetically located against the backdrop of the golf course and neighbouring buildings on site.
- 8.29. The proposed lodges are in outline form only but the illustrations as submitted show single storey timber structures with clay tiled roofing. Green roofing is also proposed. These materials are considered to be acceptable for development in this location and complement the lodges already approved under permission ref 24/00513/FUL.
- 8.30. It is considered in design terms that the application is acceptable and compliant with development plan policy subject to conditions including submission of material samples, the provision of green roofing on the proposed holiday lodges and appropriate boundary and landscaping measures.

Landscape and Visual Impact

- 8.31. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 187 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 187 also 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. Paragraph 135 of the NPPF states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the built environment and landscape setting.
- 8.33. 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.
- 8.34. 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.
- 8.35. The Market Bosworth Neighbourhood Development Plan (MBNDP) was made in 2015 and its review made in 2025, 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”

- 8.36. 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
- 8.37. 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.
- 8.38. 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.
- 8.39. 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.
- 8.40. 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.
- 8.41. 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.
- 8.42. 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.
- 8.43. A Landscape and Visual Impact Assessment was submitted as part of the application details (at the end of May 2025). The Council secured the services of an external landscape consultant to review the LVIA on 17 June 2025. They carried out a site visit in July 2025.

- 8.44. When considering the potential effects of the proposed development on the receiving landscape, it is acknowledged that the site forms part of a disused golf course that is a locally recognised area for leisure and tourism and does not form part of a designated landscape either at national or local level. The implementation of the golf course following a permitted planning application in 2003 (planning ref: 02/00685/COU) has resulted in significant change to the local landscape, with agricultural fields having been converted and, it is understood, in excess of 1.5 million tonnes of inert material having transformed the landform. Despite this change, the local landscape is considered to remain predominantly rural in character and maintains a visual connection with the wider rural landscape, as highlighted by the identified views and vistas within the MBNP that partly cover the golf club.
- 8.45. In the wider localised landscape to the south and south-west, development off and along Station Road and Wellsborough Road has extended the western settlement extents of Market Bosworth, which has had an increasingly urbanising influence on the southern extents of the golf club. It is noted that Bosworth Marina and Bosworth Lakeside Lodges form other leisure and tourism land uses off Wellsborough Road.
- 8.46. Another factor to consider in relation to the proposed development is the permitted applications for a golf clubhouse (planning ref: 19/00230/FUL) and golf and leisure accommodation facility (planning ref: 24/00019/FUL) in close proximity to the location of the proposed golf leisure and health spa facility, as well as the approved applications for 4x holiday lodges (planning ref: 24/00513/FUL) and 2x subterranean lodges (planning ref: 24/00026/FUL) within the wider golf club. These planning permissions have established the principle for development of the type proposed on the golf club site.
- 8.47. Regarding the proposed development and firstly considering the proposed leisure and health spa facility, it is considered that this would complement the approved development for the golf clubhouse and golf and leisure accommodation facility and would appear in the context of the aforementioned development associated with the western extents of Market Bosworth. The proposed design would ensure that this is not out of character with the approved built form. Subject to appropriate mitigation planting, which would be needed to fully integrate this built form, it is considered that such development could be accommodated without adverse harm to the receiving landscape.
- 8.48. With regard to the proposed golf lodges, it is noted that the land on which this built form is proposed benefits from a high degree of physical and visual containment from the surrounding localised and wider landscape. The existing landscape features both on-site and in its immediate setting, including the tree-lined watercourse that bounds the site to the north, the surrounding woodland copses, the bunding associated with the golf course, and the trees, ponds and vegetation on-site and across the wider golf course, would help to integrate such development into its setting. It is considered that the introduction of such built form would initially likely result in a material impact at least on the site itself given the scale of development. The quantum of golf lodges would significantly increase development within the localised landscape setting and would be a significant increase on the previously approved applications for golf lodges on the wider golf club site. However, through appropriate siting, the retention and enhancement of existing landscape features, and provision of appropriate mitigation in keeping with the existing landscape character along the perimeters of the site, it is considered that such development could be delivered without resulting in significant long-term effects on the landscape. The rural character of the surrounding landscape would largely be retained and such development would be in keeping with the leisure and tourism land use character of the wider golf club site.

- 8.49. Through careful siting of the proposed development, along with appropriate mitigation measures to be implemented to integrate the built form into the receiving visual context, none of the views and vistas identified within the MBNP would likely undergo any lasting material change as a result of the proposals.
- 8.50. In terms of landscape character, any harm would likely be limited to the localised landscape setting given the degree of containment afforded to the Site. In terms of views and visual amenity from publicly accessible locations, any harm would be limited to PRow users from a short section of the local PRow network in the immediate setting of the site. While a degree of landscape and visual harm is anticipated, it is considered that any material effects could be successfully reduced in the long term through appropriate landscape mitigation, designed to integrate the proposed built form into its setting and soften the impact of the proposed development. Such mitigation would need to be clearly demonstrated. It is therefore considered that subject to a clear and appropriate landscape mitigation / enhancement strategy for both developments associated with the site, there is scope to accommodate such development without resulting in a significant detrimental impact overall on the localised or wider landscape setting or on views and visual amenity.
- 8.51. The most up to date comments from the Landscape Consultant state that while ideally the LVA should be updated to provide better clarity on the points raised in the review, it is considered that the proposals could be accommodated provided that an appropriate mitigation and enhancement strategy is clearly demonstrated for both the leisure and spa facility and the golf lodges.
- 8.52. Subject to suitably worded conditions as recommended by the Landscape Consultant on behalf of the Council, the hybrid application is considered to be acceptable and in accordance with development plan policy specifically DM4 of the Site Allocations and Development Management Policies DPD 2016, Policy CE3 of the Market Bosworth Neighbourhood Plan and the requirements of the NPPF with respect to landscape and visual impact.

Impact upon Residential Amenity

- 8.53. 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.
- 8.54. Paragraph 135 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.
- 8.55. 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.
- 8.56. The Environmental Health Officer has been consulted on the application and requested that an Air Quality Assessment be submitted prior to determination in order

to assess the impact of the proposal with respect to air quality due to the scale of the development. The applicant has subsequently provided the necessary information and the latest response from the EH Team states that they have no objection subject to conditions.

- 8.57. 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. Noise and lighting details have been provided by the applicant and no concerns have been flagged in this regard by the Environmental Health Team. It is also considered that appropriate conditions could ensure that these matters can be satisfactorily addressed/suitably mitigated for.
- 8.58. This application is therefore considered to be acceptable in amenity and health terms. It is therefore considered to be in accordance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF with respect to air quality and amenity considerations.

Archaeology

- 8.59. 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.
- 8.60. 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 207 states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and where necessary, a field evaluation.
- 8.61. LCC Archaeology have been consulted on the application. They initially requested further information – specifically an Archaeological Desk-based Assessment.
- 8.62. The Leicestershire and Rutland Historic Environment Record (HER) indicates that the archaeological potential of this site is unknown, given the paucity of previous archaeological investigation in the vicinity of the site. The application area is located within the northern edge of the golf course, the construction of which is likely to have caused some level of disturbance to any archaeological buried remains present, however there may be areas where the disturbance is limited.
- 8.63. The applicant submitted additional information. LCC Archaeology are of the view that no further archaeological work would be necessary for the application in this case, given the historic raising of ground levels.
- 8.64. The application as submitted is therefore considered to accord with Policy DM13 of the Site Allocation and Development Management DPD 2016 and the requirements of the NPPF with respect to archaeological considerations.

Flood Risk and Drainage

- 8.65. 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.

- 8.66. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site specific flood risk assessment (FRA). Development should only be allowed in areas at high risk of flooding where it can be demonstrated that:
- The most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location
 - The development is appropriately flood resistant and resilient such that in the event of a flood, it could be quickly brought back into use without significant refurbishment
 - It incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate
 - Any residual risk can be safely managed and
 - Safe access and escape routes are included where appropriate as part of an agreed emergency plan
- 8.67. The application as originally submitted was accompanied by a Flood Risk Assessment, but the document had missing appendices/information and illegible details. This information has been requested by the LPA a number of times, but has not been fully provided by the applicant.
- 8.68. The LPA also initially requested that the applicant submit a sequential test for this site given the proposed location of holiday lodges within Flood zone 3. However, since the submission of the application in 2024, a revised red line has been provided to show that the lodges are no longer sited within the areas at highest risk of flooding.
- 8.69. The Environment Agency (EA), the LLFA and the Council's drainage team have all been consulted and re-consulted on the application details on several occasions. To date, the LLFA remains unsatisfied with the application from a drainage perspective.
- 8.70. The total site is an 11ha greenfield site. Since the amended red line, the 10.7ha outline portion of the proposal (holiday lodges) is located within Flood Zone 1 being at low risk of fluvial flooding and a low to high risk of surface water flooding and the 0.3 ha full area of the site is at low risk of flooding (health/spa facility).
- 8.71. Whilst the EA objected to the original application as submitted, since the submission of further information and a revised red line for the proposed holiday lodges, the latest response from the EA is that the concerns raised could be dealt with by means of conditions. The EA states that the FRA has assumed the site (Full and Outline areas) lies within FZ1, however, they note that this is not based on any site specific assessment for the Holiday lodge area, as such the site cannot yet be deemed safe for the lifetime of the development. The EA also requested site specific modelling of the on-site watercourse to be undertaken to confirm the flood risks, and this is yet to be undertaken. As such, and without confirmation of flood levels, and with so many guests potentially being put at risk, they advise that this information is provided prior to any Full or RM applications being submitted for the holiday lodge element of this development.
- 8.72. The flood risk assessment now asserts that the proposed holiday lodges in the outline portion of the site (as revised) now sit outside of the high risk flood zone and that finished floor levels of the lodges will be raised above the 1 in 100 year extent plus climate change.

- 8.73. However, the LLFA remain concerned by the proposal and are not content with the additional information provided to date. While the EA are satisfied in this regard, responsibility for surface water drainage matters rests with the LLFA. It is not clear which parts of the site relate to the full application and which to the outline. No surface water drainage information regarding the full parts of the site has been submitted. Details on how the applicant intends to drain all hardstanding areas need to be submitted including an impermeable areas plan, outfall location and details regarding attenuation. For parts of the site where the areas will remain permeable (for example where water can still flow below a building, etc.) this needs to be made clear.
- 8.74. Therefore, the LLFA considers the application documents, as revised, to be insufficient and they remain unable to provide a substantive response at this stage. Further information is required to overcome the concerns including:
- A detailed surface water drainage strategy
 - A legible development plan clearly showing which areas of the site are being developed with clear delineation between those areas seek outline and full approval
 - A topographic survey showing the entire site
 - Infiltration testing is required (ideally to BRE365 or similar approved) showing it to be a viable option should this be the primary method of surface water disposal for the full portion of this site. Details and locations of infiltration structures should be submitted along with calculations in line with CIRIA C753 to support any infiltration proposals within the full application portion of the proposals.
- 8.75. The information as requested by the LLFA has been sought from the applicant on many occasions but not submitted. The applicant has been given ample time and assistance to provide the details required. However this has not been forthcoming. Specifically the full part of the hybrid planning application (health/spa and car park) does not provide an appropriate surface water drainage strategy. The application does not provide a legible plan showing which areas of the site are being developed under the full proposal, account for all impermeable areas or the management and maintenance of the drainage elements. As such, the application remains insufficient with respect to drainage details and a proper assessment of the proposal in drainage terms cannot be made.
- 8.76. The application is therefore contrary to Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF specifically Paragraphs 170, 181 and 182.

Site of Special Scientific Interest (SSSI)

- 8.77. Sites of Special Scientific Interest are afforded protection at the national level under the Wildlife and Countryside Act due to the significance of the wildlife and geological features within them. Geological SSSI represent the best sites of geological interest chosen for their past, current and future contributions to the science of geology and include quarries, cuttings and active landforms. Development which is likely to result in adverse impacts upon a SSSI will not normally be permitted.
- 8.78. Hinckley and Bosworth have seven SSSI one of which is the Ashby Canal.
- 8.79. This application site lies in close proximity to the Ashby Canal Site of Special Scientific Interest (SSSI). Natural England was consulted on the proposal and initially raised concerns. They responded to say that as submitted, the application could have potential significant effects on Ashby Canal Site of Special Scientific Interest (SSSI).

- 8.80. The Ashby Canal supports communities of aquatic and emergent plants that are representative of eutrophic standing water bodies in the English lowlands. The diversity of aquatic plants and invertebrates makes this one of the most important water bodies of its type in the East Midlands. The proposed development is within the catchment of and hydrologically linked to the SSSI by way of a watercourse to the north of the development. The designated features of the SSSI include submerged plant communities, floating plant communities, emergent fringe, invertebrates, and water shrew. These communities rely on the freshwater habitat and any changes to water quality from sediment and other pollutants can be detrimental to the designated communities present.
- 8.81. In order to determine the significance of these impacts and the scope for mitigation, Natural England requested a review of impacts from surface water to the SSSI from construction and operation phases.
- 8.82. Further information was provided by the applicant and Natural England have since provided a revised response which confirms they have no objection subject to suitable mitigation measures including an agreed maintenance plan for green roofing and a Construction Environment Management Plan (CEMP). These measures can be imposed by means of suitably worded conditions.
- 8.83. Subject to conditions, the application is considered to be acceptable with respect to its impact on the Ashby Canal Site of Special Scientific Interest and is therefore in accordance with Policy DM6 of the Site Allocations and Development Management DPD 2016 and Section 15 of the NPPF.

Ecology and Biodiversity

- 8.84. 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.
- 8.85. LCC Ecology have been consulted on this application on several occasions and have responded to the application each time with a request for further information.
- 8.86. The application to date is still considered to be unacceptable in terms of ecological matters. The Ecology Team are objecting/requesting further information to the scheme. The following documentation is considered to remain outstanding as of November 2025 and is needed prior to determination:
- Up to date Preliminary Ecological Appraisal including maps of the additional southern section and pond 14 (GCN Survey July 2025).
 - Up to date Biodiversity Net Gain Assessment to include baseline habitat maps of the whole redline boundary, north and south.
 - Updated BNG metric to include strategic significance in accordance with the LNRS, baseline condition assessments, updating A-2 On-Site Habitat Creation tab.
 - Clarification in regard to pond reference numbers (PEA report, BNG Assessment, GCN Survey July 2025).
 - Great Crested Newt Mitigation and Enhancement Plan.
- 8.87. Specifically, the information required to determine an application for Biodiversity Net Gain has not been supplied in accordance with PPG Paragraph 11 which requires:
- up to date (including total area within the redline boundary) pre-development habitat plan

- up to date (including total area within the redline boundary) pre-development habitat value
 - up to date (including total area within the redline boundary) completed metric calculation tool
- 8.88. There are also concerns relating to Great Crested Newt mitigation. Further information is requested on the approach to be taken in respect of Great Crested Newts. The Great Crested Newt Survey (Arbtech, July 2025) clearly states that an EPSL is required for the works to continue. The submitted Mitigation and enhancement plan states standard RAMS should be implemented and there will be no 'requirement for full derogation licensing'. Insufficient evidence has been submitted to suggest that the RAMS proposed are not licensable for example the use of temporary amphibian fencing and pitfall traps. Therefore, the mitigation strategy is not adequate and should be completed by suitability GCN licenced ecologist. There is therefore insufficient information to ensure the works proposed are licensable.
- 8.89. In addition to this, the Ecologist has stated that the following information is also needed with respect to the following:
- Baseline Condition Assessment Sheets for all ponds have not been provided.
 - There are 56 trees on the baseline habitat, only one tree has a condition sheet – condition sheets for all 56 trees need to be received
 - Each pond needs to be accounted for in the metric including the additional land within the revised redline boundary and user comments provided.
 - A-2 On-Site Habitat Creation – Mixed Scrub – Condition Assessment Sheet identifies it as 'Poor' condition, however, it is 'Moderate' within the metric. This requires updating/clarification.
- 8.90. The information as requested by the Ecology Team has been sought from the applicant on many occasions but has not been submitted. The applicant has been given time and assistance to provide the details required however this has not been forthcoming. Insufficient or inadequate information has been provided with respect to Biodiversity Net Gain and the impact on Great Crested Newts. As such, the application is unacceptable with respect to ecology details and a proper assessment of the proposal in ecological terms cannot be made.
- 8.91. The application is therefore contrary to Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF with respect to ecological considerations for the reasons set out above.

Heritage Impact

- 8.92. 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 203 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.
- 8.93. 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 and will require justification as set out in this policy. 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.

- 8.94. The Council's Conservation Officer was consulted on the proposal.
- 8.95. Previous permissions consisting of the erection of a club house and holiday lodges have been located in the southern, eastern and central areas of the site, with the development being of a form and scale as to result in no clear and obvious adverse effects upon heritage assets within the wider area. However, this current application proposes up to 126 holiday lodges within the northern area of the site, where development has not previously been proposed.
- 8.96. There are designated heritage assets including the Ashby Canal Conservation Area, the grade II listed building Church of St Andrew in Carlton, and the grade II* listed Church of St Peter in Market Bosworth, which are located within the wider area of the application site. A heritage statement was submitted by the applicant at the request of the Conservation Officer.
- 8.97. The Market Bosworth Neighbourhood Plan seeks to preserve the significance of local heritage assets and identifies non-designated heritage of local value in the Parish. The Conservation Officer is of the view that there is no inter-visibility between the application site and any of the non-designated heritage assets identified within the Plan, 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 non-designated heritage assets identified within the Plan would be sensitive to or affected by appropriate development within the application site.
- 8.98. In regards of the Church of St Andrew, there are some limited instances of distant views of the Church looking northwards from within the application site. The Conservation Officer is of the view that the site makes a low contribution to the heritage significance of the church and that the proposed development would have a negligible impact upon the ability to appreciate its significance. Overall, the nature of the effects of the development would be neutral and the proposal would not cause harm to the heritage significance of the Church of St Andrew.
- 8.99. In regards to the Ashby Canal Conservation Area, there is no clear inter-visibility between the canal and the application site. The Conservation Officer is of the view that the site makes a negligible contribution to the heritage significance of the conservation area and owing to the man-made topography of the golf course, distance, and intervening vegetation the proposed development would have a negligible impact upon the ability to appreciate the significance of the conservation area. Overall, the nature of the effects of the development would be neutral and the proposal would not cause harm to the heritage significance of the Ashby Canal Conservation Area.
- 8.100. In regards of the Church of St Peter, there are some limited instances of distant views of the Church looking eastwards from within the application site. The site makes a low contribution to the heritage significance of the church, and the proposed development would have a negligible impact upon the ability to appreciate its significance. Overall, the nature of the effects of the development would be neutral

and the proposal would not cause harm to the heritage significance of the Church of St Peter.

- 8.101. It is concluded that the proposal will not cause harm to the significance of any designated and non-designated heritage assets, so consequently the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Policy BD4 of the Market Bosworth Neighbourhood Plan Review, Section 16 of the NPPF, and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Planning Balance

- 8.102. 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.
- 8.103. Whilst the principle of leisure and tourism development is acceptable on this site and planning permission has been granted for various forms of development, in this case, there are material planning considerations which have not been suitably addressed. The application is not acceptable with respect to drainage and ecology matters.
- 8.104. The applicant has been given numerous opportunities over a considerable period of time to provide the information requested by consultees. Several rounds of re-consultation have been carried out by the local planning authority and regular correspondence and communication has taken place. The local planning authority has attempted to work proactively with the applicant throughout the application process and in doing so has reduced the number of reasons for refusal. However, the applicant has not provided the quality, clarity and level of information necessary to address the outstanding drainage and ecology concerns.
- 8.105. For the reasons set out below this application is considered to be contrary to various development plan policies and the NPPF and is therefore refused.

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. Refuse planning permission for the following reasons:

Refusal Reasons

- 1. The application has failed to provide sufficient information to fully assess the drainage impacts of the proposed development, specifically the full part of the hybrid planning application (health/spa and car park) does not provide an appropriate surface water drainage strategy. The application does not provide a legible plan showing which areas of the site are being developed under the full proposal, account for all impermeable areas or the management and maintenance of the drainage elements. Therefore, the application is contrary to Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF specifically Paragraphs 170, 181 and 182.**
- 2. The application has failed to provide sufficient information to assess the ecological impacts of the proposed development. Insufficient or inadequate information has been provided with respect to Biodiversity Net Gain and the impact on Great Crested Newts. Therefore, the application is contrary to Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF specifically Section 15.**

This decision is based on the following plans/details:

- **Red Line Location Plan (updated 07/10/25)**
- **Site Layout Plan HMD/PD/0574/02**
- **Layout Plan HMD/PD/0574/01**
- **Illustrative Site Layout Plan HMD/PD/0574/07**
- **KGCC HYB red line sight layout plan 4.t (car park) 12/09/25**
- **Location Plan received 12/09/25**
- **Clubhouse and Hotel site layout plan (car park area) A-PL-001 L**
- **Preliminary Ecological Appraisal (Arbtech Dec 24 – updated 25/08/25)**
- **Great Crested Newt Survey (Arbtech July 2025)**
- **Biodiversity Net Gain Assessment (Arbtech 2024 updated 27/08/25)**
- **Statutory Biodiversity Metric (v4 Arbtech 27/08/25)**
- **Kyns Golf and Country Club Great Crested Newt Mitigation and Enhancement Plan (Oct 2025)**
- **Pond Condition Sheets – P1 to P14 – FINAL (Applicant, October 2025)**
- **Tree Condition Sheets – T1 to T56 – FINAL (Applicant, October 2025)**
- **Pre-Development Habitat Plan – Consolidated Baseline – FINAL (Applicant, October 2025)**
- **WL-252 Record Correction Note – Ecology/BNG/Procedural**
- **WL-252 Administrative Clarification Note**
- **WL-253 Comparative Review and Cross Reference Analysis**
- **WL-252 – Baseline Correction Note**
- **WL-252 Addendum v4 – Ecology, BNG, Drainage & Access Correction Note (ON NOTICE)**
- **WL-252B (Full Version) – Procedural Clarification Note**

- HAS/17-030/01 Rev A – Access Details
- Surface Water and SSSI Addendum Aug 2025
- Single Bed and Two Bed Golf Holiday Lodges – Pad Layout
- Air Quality Assessment received August 2024
- Planning Statement Dec 2024 HMD/0574/2024
- Flood Risk Assessment Farrow Walsh Dec 2024 FW2526_FRA_001_V1
- Flood Risk Assessment Farrow Walsh FW2526_FRA_001_V2
- Further information in respect of flooding matters email dated 10 March 2025
- Environment Agency Flood Map for Planning 14/4/2025
- Transport Assessment Ardent Consulting Engineers Dec 2024 2402050-ACE-XX-OO-RP-C-0002
- Letter to address highway comments – Ardent Consulting Engineers dated 30/4/2025
- Ardent Consulting Engineers email dated 21/7/2025
- Heritage Statement Aug 2025 PCA R18041
- Golf and Leisure Health Spa Floor Plan HMD/PD/0574/03
- Golf and Leisure Health Spa Elevations HMD/PD/0574/04
- Golf and Leisure Health Spa Elevations HMD/PD/0574/05
- Golf and Leisure Health Spa Design Sections A/A, B/B, HMD/PD/0574/06
- Golf Holiday Lodge Type A – Elevations, Floor and Roof Plan HMD/PD/0574/08
- Golf Holiday Lodge Type B – Elevations, Floor and Roof Plan HMD/PD/0574/09
- Long Section Plans ref 3197B, 3197C, 3197D
- Topographical Survey 3917A (received March 2025)
- Amended Red Line/Topographical Survey (received July 2025)
- Proposed Landscape Scheme (drainage chart) 02035-02-04
- Landscape Visual Impact Assessment ref ARB 15751va received 28/5/2025
- Contour Plan (March 2025)
- Levels Analysis received 23/7/2025
- Letter from Shakespeare Martineau dated 22/5/2025
- Application Form
- Application Form Certificate B details
- Noise and Lighting Survey (dated 8 Feb 2025) Steve Leeland Acoustics and Noise Control