

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.



Response provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 24/00769/FUL

Highway Reference Number: 2024/0769/04/H/R1

Application Address: Kyngs Golf and Country Club Station Road Market Bosworth Nuneaton Leicestershire CV13 0NP

Application Type: Full

Description of Application: Re-consultation. Change of use of land and the siting of 9 single storey holiday lodges with vehicle parking and associated works (Revised Scheme 23/00508/FUL)

GENERAL DETAILS

Planning Case Officer: Matt Jedruch

Applicant: Statue Homes LTD

County Councillor: Bertie Harrison-Rushton

Parish: Market Bosworth

Road Classification: Class C

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

'Change of use of land and the siting of 9 single storey holiday lodges with vehicle parking and associated works (Revised Scheme 23/00508/FUL).'

The proposals are at Kyngs Golf and Country Club, Station Road, Market Bosworth, Leicestershire, CV13 0NP.

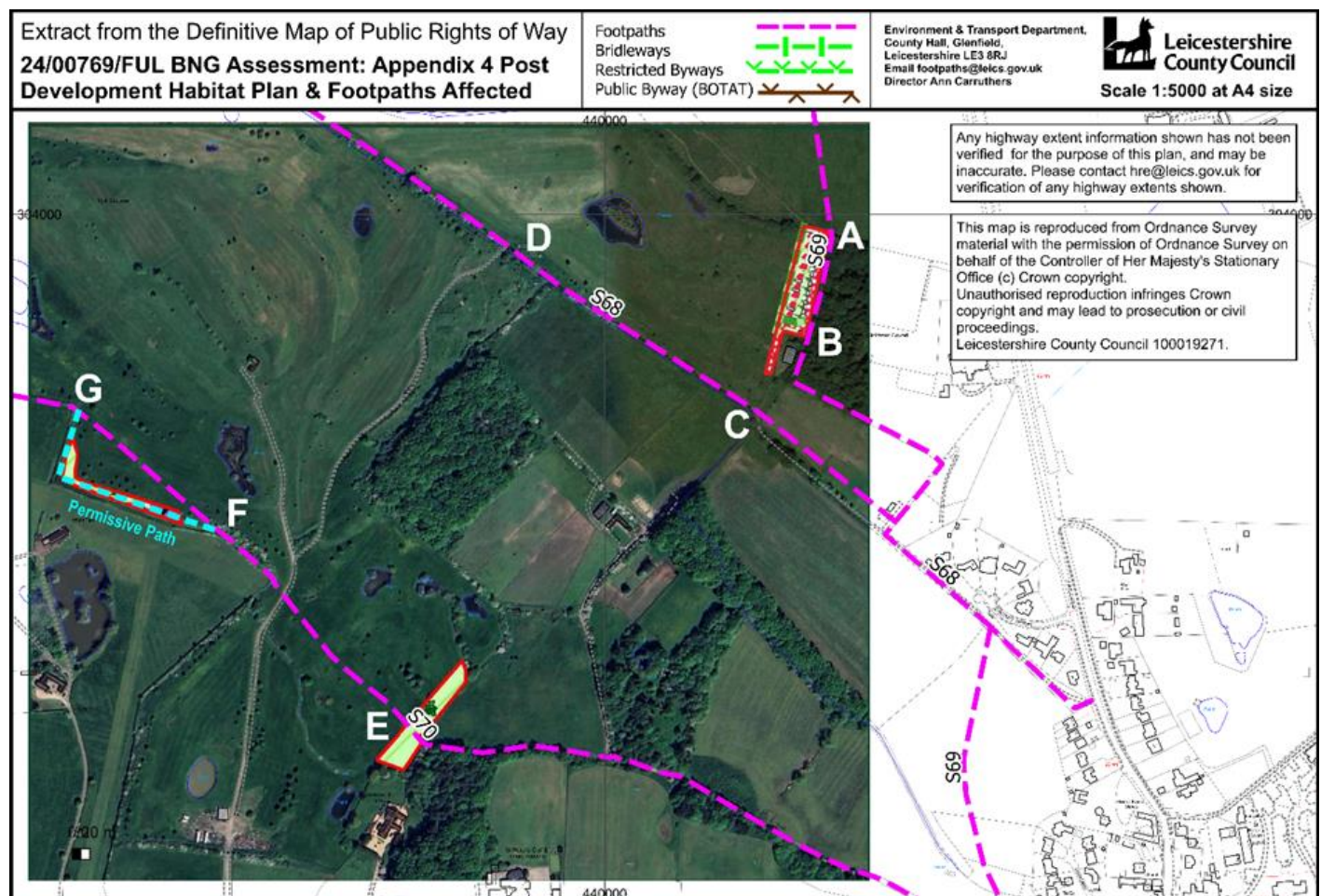
The LHA previously responded to the LPA on 25th September 2024 advised approval subject to conditions in matters relating to the highway.

The Applicant has now provided a revised Site Location Plan with three small areas included. These appear to be related to a Biodiversity Net Gain Assessment undertaken as part of this application.

Whilst this information does not fundamentally affect the material highway considerations previously advised for approval as part of the LHAs observations provided to the LPA on 25th September 2024, they do have impact on several Public Rights of Ways through the site.

Public Rights of Ways S68, S69 and S70

The application site is crossed by or adjoins several public rights of way (PROW). Below is the recently submitted Biodiversity Net Gain Assessment (BNG): Appendix 4 Post Development Habitat Plan overlaid with the Definitive Map of public rights of way, the official record. The LHA considers that the current proposals adversely affect a permissive path route connected with Public Footpath S70 between points F and G.



The northern lodges area adjoins Footpath S69 though that is on the eastern side of the land boundary between points A and B so should not be affected. Between points C and D, the access track to the lodges follows the same route as Footpath S68 which forms part of the Leicestershire Round long-distance walking trail. The BNG Assessment says the access track is due to be gravelled. However, it needs to be a surface that remains suitable for pedestrians to walk along.

Of the two southern areas for habitat enhancement for BNG purposes, the southeast area, adjoining point E, is crossed by Footpath S70. The BNG enhancement there is to retain the existing

modified grassland and this presents few issues for continued use of the public right of way, though clarification is needed on whether the area will be enclosed by fencing, as any additional barrier across a PRow needs authorisation from the LHA to comply with the Highways Act 1980 section 147.

In the southwestern corner of the golf course, between points F and G, the legally-defined alignment of Footpath S70 is bisected by the golf course's second hole green and surrounding banks. This situation borders on being an unlawful highway obstruction. The situation has been tolerated because a permissive path was provided around the inside edges of the site between these points, as marked in light blue on the plan.

However, the BNG Assessment Habitat Plan proposes mixed scrub planting around point F which appears likely to block or impede the permissive path. That would then mean the banks impeding the Footpath S70 legal alignment could become an enforcement issue. Given this, any habitat creation between points F and G must be consistent with the presence of a footpath created by the landholder for public use. It is a standard requirement of the LHA that no trees or shrubs should be planted within 1 metre of the edge of the public right of way. And that any trees or shrubs planted alongside a public right of way should be of non-invasive species. Similar considerations apply to other paths for the public.

Whilst the planting issue can be addressed easily via amendments to the planting schedule and re-submitted for consideration, there remains a need for detailed discussion on the treatment of the Public Rights of Way. As such, the LHA would propose to address the planting matter and then impose a condition relating to the treatment of the Public Rights of Way. However, it is within the Applicants gift to provide the information for both matters if they should so wish to submit it. However, if the Applicant should wish to discuss either, or both matters, they should contact footpaths@leics.gov.uk.

Date Received
29 April 2025

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
14 May 2025