

Delegated Report

Planning Ref: 26/00201/FUL

Applicant: Mr N Vitale

Ward: Ratby, Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: Forest Hill Golf and Country Club, Markfield Lane, Botcheston

Proposal: Change of use from 9 hole practise golf course to adventure golf course including the erection of structures, bridges and buildings and associated works (retrospective)

1. Recommendations

1.1. Grant planning permission subject to:

- Conditions outlined at the end of this report.

2. Planning application description

- 2.1. The planning application seeks full planning permission for the change of use of a 9-hole practice golf course to an adventure golf course including the erection of structures, bridges and buildings and associated works, retrospectively.
- 2.2. The site has been confirmed as semi-finished with works halting as a result of a planning enforcement investigation. The development is located to the south of the wider complex, adjacent to Markfield Lane.

3. Description of the site and surrounding area

- 3.1. The application site lies approximately 1.5km north of Botcheston within an area of open countryside. The southern and western boundaries of the site are bound by Markfield Lane, whilst the northern boundary is bound by the Forest Hill golf and conference centre. To the eastern boundary lies an area of woodland with open fields beyond.
- 3.2. The open fields located around three of the boundaries of the application site along with the open nature of the adjoining golf course gives the area its rural character.

4. Relevant planning history

The site has an extensive planning history, for brevity a number of key applications have been included below:

22/00752/OUT

Proposed 98 bed hotel with leisure facilities & spa (Class C1) (outline – access to be considered only)

Refused – Appeal dismissed

13.03.2023

19/00855/FUL

Extensions and alterations to club house and extension to existing car parking including temporary marquee

Planning permission

25.09.2019

5. Publicity

- 5.1. Neighbours were notified of the application via letter, and a site notice was placed within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

6.1. National Forest Company

6.2. No comments have been received.

6.3. Bagworth, Ratby and Thornton Parish Council

6.4. No comments received.

6.5. Leicestershire County Council (LCC) Highways

6.6. LCC Highways have confirmed the following:

6.7. *"The LHA previously advised depending on the level of trips generated by the proposals, it would be likely the continued use of the existing site access would be acceptable. Based on the additional information provided, as detailed further below, this is accepted by the LHA.*

6.8. *The LHA previously advised the proposals are unlikely to exacerbate any existing highway safety concern.*

6.9. *The LHA previously advised the Applicant should provide a comparison in respect of the level of trips a 9-hole golf course could generate in comparison to an 18-hole crazy golf course. It was advised it may be that actual data for the crazy golf course could be provided given that this is already in operation. This should be for the traditional AM and PM weekday peaks (e.g. 08:00 – 09:00 and 17:00 – 18:00) and weekend peak. The TRICs database could provide data for 9-hole golf courses if records of trips are not available.*

6.10. *The Applicant has provided a first principles estimate that the former course could operate for approximately eight hours per day, with tee times every 15 minutes. This would allow four tee times per hour, or 32 tee times across an eight-hour operating day. Based on an estimated three cars per tee time, the Applicant considers the former 9-hole golf course could reasonably have generated approximately 96 car movements per day. The Applicant states on an hourly basis, the former 9-hole course estimate equates to approximately 12 cars per hour, based on four tee times per hour and three cars per tee time.*

6.11. *The Applicant has stated that the crazy golf use would operate as part of the wider Forest Hill Golf and Country Club leisure offer and would be managed through published opening hours and controlled visitor arrangements. The Applicant states the submitted visitor analysis confirms that the attraction operates on a managed hourly basis, with lower levels of activity during weekday periods outside school and bank holidays. It is stated the adventure golf visitor profile indicates approximately four cars per hour during normal weekday periods, 10 cars per hour at weekends and an average of 15 cars per hour during school and bank holidays.*

6.12. *Given the above, the Applicant considers that the proposal would not generate 30 additional two way vehicle movements over and above the previous 9-hole golf course use.*

6.13. *The LHA advise it is unclear whether the Applicant is referring to one way or two way vehicle trips as part of the above considerations. Nevertheless, the LHA has considered the details on the Applicants website for the crazy golf course. This*

currently details slots are available to book in five-minute intervals on term time weekdays between 15:00 – 19:00 and weekends between 10:00 – 19:00. Currently school holiday weekdays are bookable as per term time weekdays, however, the LHA acknowledges this could be changed to weekend timings during school holidays.

- 6.14. *Given the above, the LHA consider there would be 12 slots bookable per hour. In addition, up to 12 players can be booked per slot. This could generate up to three vehicle trips per slot. However, the LHA acknowledge that it is unlikely that 12 players would book each five minute timeslot and, if this did happen in reality, it is unlikely the course would be able to accommodate 12 slots with 12 players per group passing through the course at the same speed as groups of varying sizes. Furthermore, it may be that not all five minute timeslots are booked every hour and some groups may require two vehicles, whilst others require one. It is accepted that the course is likely to generate higher trips during weekends and school holidays than on term time weeknights.*
- 6.15. *The LHA therefore consider that the trips stated above without actual data being provided for the 9 hole or crazy golf course, are accepted for one way trips such as an arrival only. The LHA accept based on the information provided and the booking website that the crazy golf course is unlikely to affect the AM weekday peak hour between 08:00 – 09:00.*
- 6.16. *To account for arrivals and departures, the LHA has doubled the trip rates stated by the Applicant i.e. for every arrival, there is a departure due to a group finishing their round. This could result in a peak of approximately 30 arrivals and departures during school holidays per hour. When the 9 hole golf course trips are deducted, it is accepted that this would be unlikely to result in 30 or more additional two way trips being generated because of the crazy golf course. On this basis, the LHA accepts a capacity assessment of the site access is not required under the site specific circumstances.*
- 6.17. *As shown on MAC drawing number F118(90)01, the Applicant has proposed 16 car parking spaces within the site. The LHA considers this could be low, given these could all be occupied by previous groups vehicles and staff when the next group arrive. However there appears to be sufficient space within the wider site for some overspill parking. The Applicant has now detailed a pedestrian footway leading between the car park, crazy golf course and wider site which is welcomed by the LHA. Details have not been provided as to how the internal access may tie into the new access proposed as part of application 26/00201/FUL, however the LHA accept this forms part of that application only.*
- 6.18. *The LHA refers to previous comments in respect of transport sustainability”.*
- 6.19. *The highways authority therefore has no objections to the scheme subject to planning condition.*
- 6.20. Hinckley & Bosworth Borough Council (HBBC) Environmental Health
- 6.21. *Confirmed no objections, however, if course is to be lit, details of lighting must be submitted to be assessed. This has been conditioned accordingly.*
- 6.22. Hinckley & Bosworth Borough Council (HBBC) Drainage

- 6.23. Notes to applicant have been recommended by HBBC Drainage, and have been included at the end of this report.
- 6.24. Hinckley & Bosworth Borough Council (HBBC) Waste
- 6.25. No comments received.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (SADMP) (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 DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (GDG) (2019)
 - National Design Guide (2019)

8. Appraisal

- 8.1. The application site is located within the countryside outside of any defined settlement boundary. The key issues in respect of this application therefore are:
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Drainage and flood risk
 - Ecology and biodiversity net gain
 - Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) 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. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.5. However, 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.
- 8.6. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7. Section 6 of the NPPF states that planning policies and decisions should help to create conditions in which businesses can invest, expand, and adapt, and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.8. Paragraph 84 of the NPPF states that planning decisions should enable:
- (a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
 - (b) The development and diversification of agricultural and other land-based rural businesses.
 - (c) Sustainable rural tourism and leisure developments which respect the character of the countryside.
 - (d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.
- 8.9. The application represents a semi diversification in the existing golf and country club facilities to develop community facilities for the purposes of leisure and sport. The development replaces an existing 9 hole practise facility with an adventure golf course, providing a differing customer market to the existing facilities on site.
- 8.10. However, outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."

- 8.11. This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It 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; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.12. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.13. The development proposes the change of use of the land from one sporting facility to another, with added leisure benefits. The development would satisfy Policy DM4(a) of the SADMP. The development whilst located in the countryside, is located on an existing golf course, and as such there would be no harm to the value and beauty of the open countryside, being well contained within the existing site.
- 8.14. In this site specific circumstance it is considered that the development would be in general accordance with Policy DM4 of the adopted SADMP, the overarching policies of the NPPF and as such would be considered acceptable in principle.

Design and impact upon the character of the area

- 8.15. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.16. Policy DM4 of the SADMP confirms that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development.
- 8.17. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.18. The proposed development is located within the established complex of Forest Hill golf and country club. The adventure golf course is located to the south of the site, adjacent to woodland to the east, and Markfield lane to the south and west. The site is well screened by established boundary hedgerow and as such would not be highly visible from public vantage points. The site was formerly a 9-hole golf training

facility, and as such the change of use to an adventure golf course would not be at odds with preserving the intrinsic value and beauty of the open countryside, given no further intrusions will be observed.

- 8.19. It is considered that the development, by nature of the change of use, would have no detrimental impact on the character of the area, nor the intrinsic value and beauty of the open countryside. As such the proposal is considered in accordance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.20. Policy DM10 of the SADMP confirms the requirements of which permitted developments must achieve. DM10 (a) and (b) confirm that any development must not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. In addition, it is confirmed that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.21. The development is located within the established Forest Hill golf and country club complex. The area of the site in which the adventure golf course is located is well screened from public view by existing mature hedgerow and is not located within proximity to neighbouring residential dwellings, and as such would have no detrimental impacts on residential amenity.
- 8.22. Overall, it is considered that the proposal would have no impact on residential amenity, causing no detrimental impacts on loss of light, loss of privacy, overbearing or noise impacts. As such, the proposal is considered in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.23. Policy DM17 of the SADMP states that the development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual and cumulative impacts of the development on the transport network are not severe.
- 8.24. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.25. LCC Highways have confirmed that whilst there would not be any issues in relation to highway safety or vehicular parking, and would therefore be acceptable as proposed subject to a number of conditions included at the end of this report. It is noted that a major application for a hotel on site is currently being assessed in tandem, and as such has been included within the Highways consideration. It is confirmed that this proposal is acceptable both in isolation and in conjunction with the wider site works.
- 8.26. The proposal therefore complies with Policies DM17 and DM18 of the SADMP.

Drainage and flood risk

- 8.27. Policy DM7 of the SADMP confirms that development should prevent adverse impacts from pollution and flooding.

- 8.28. The development site is located with Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water. The access of the site however is located in Flood Zone 2/3.
- 8.29. HBBC Drainage have provided a note to applicant which is included within this report. The proposal is considered to be in general accordance with Policy DM7 of the adopted SADMP.

Ecology and biodiversity net gain

- 8.30. Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.
- 8.31. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.32. Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:
- a. The need and benefits of the development in that location clearly
 - b. It has been adequately demonstrated that the irreplaceable habitat
 - c. Appropriate compensation measures are provided on site wherever possible and of site where this is not feasible.
- 8.33. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.34. The site is on an existing 9 hole course/training facility, and as such would remain immune from mandatory biodiversity net gain through the de minimis exemption.
- 8.35. The proposal is therefore considered to be in accordance with Policy DM6 of the SADMP.

Planning Balance

- 8.36. The development is located outside of the defined settlement boundary. However it is considered to be in accordance with Policy DM4 of the SADMP given the change of use of the land for the purposes of sport and recreation.
- 8.37. The development is not considered to be in a sustainable location, however, given the nature of the development it would likely be acceptable in these site specific circumstances, promoting the diversification of an established business.
- 8.38. There are no known detrimental impacts of the development and the development does not cause detrimental impacts to the character of the countryside, neighbouring amenity nor highways safety.

- 8.39. The development is considered to have social benefits by the way of a new sports facility, and economic benefits through the construction and business rates from the new business.
- 8.40. Overall, it is considered that the benefits of the proposal demonstrably and significantly outweigh any harm.

9. Equality implications

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

- (1) 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

10. Conclusion

10.1 By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policies DM1, DM4, DM6, DM7, DM10, DM17 and DM18, of the adopted Site Allocations and Development Management Policies DPD. The proposal can therefore be supported.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan, Drg No. F118(90)01
 - Wider Site Plan, Drg No. F110(90)01
 - Amended Site Plan, Drg No. F118(90)01 Rev B

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to its installation details of any external lighting installed on the site (including luminance levels and measures to minimise light spillage) shall be submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

Reason: To ensure that the development does not detrimentally impact local wildlife and ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Within three months of planning permission being granted, the parking and turning facilities shall have been implemented in accordance with MAC drawing number F118(90)01. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e. soakaways, pervious paving, filter drains, swales, etc, and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems. Any proposed access drives, parking and turning area, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environmental Agency guidance on the permeable surfacing of front gardens).