

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: 24/01157/HYB

Highway Reference Number: 2024/1157/04/H/R3

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

Application Type: Hybrid

Description of Application: Re-consultation. 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 golf holiday lodges with associated works

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: Mr G Denny

County Councillor: Market Bosworth ED - Joshua Melen CC

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 advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) on a 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 golf holiday lodges with associated works. The LHA previously advised within its observations dated 23rd June 2025 that additional information was required in respect of the proposals, notably:

- Clarity in respect of staff numbers; and
- Details of any proposed planning conditions to restrict the use of the spa, Car Park Management Plan (CPMP) and occupation of the spa until the car park has been built, which have been discussed with the LPA;

The LHA also advised the advice the Applicant receives from the LPA in respect of the planning conditions will inform the Applicant whether any additional work is required, such as:

- Potentially trip generation analysis in respect of the spa should this need to be considered as available for public use; and
- Potentially provision of a car park for the spa as part of the full application, depending on how the use will be restricted.

The LHA previously advised the LPA it would be difficult to provide any further observations, without additional information from the Applicant in respect of potential conditions restricting the use of the health spa, CPMP and car park.

The Applicant submitted additional information to the LPA with the view to resolving the LHA's comments in an e-mail dated 21st July 2025. The LHA have subsequently been liaising with the LPA on the proposals and the Applicant has since amended the red line of the application site to include the car park design which was conditioned by the LPA as part of application reference 24/00019/FUL (the proposed erection of a 50x room golf and leisure accommodation facility with associated works) at the same site.

The proposed car park is shown on Hickman & Smith Architects drawing number A-PL-001 Rev. L.

Site Access

As previously advised, the Applicant has submitted HAS drawing number HAS/17-030/01 Rev. A, which details the same access proposals 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 considered the proposed access arrangements acceptable for the scale/type of development proposed.

The LHA advise the LPA and the Applicant to note application reference 24/01079/OUT (Outline planning application for up to 126 dwellings [all matters reserved except access]) which was refused planning permission by the LPA. The LHA have advised that it has no objection to those proposals with a condition that a ghost right turn lane is provided to cater for the additional traffic generated by that development. The LHA understand the Applicant for that application is appealing the LPA's decision.

Whilst the LHA advises that there is no requirement for a ghost right turn lane to serve this specific hybrid application, if that outline application was allowed at appeal and the ghost right turn lane was delivered prior to this hybrid application coming forward, no further works would be required at the site access as a result of this hybrid application.

Highway Safety

The LHA has previously advised it considers the proposals are unlikely to create a highway safety issue on the network.

Trip Generation

The Applicant previously stated 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 public. The Applicant has suggested a condition which could be used to restrict the use of the site.

The LHA is satisfied that no further information is required in respect of trip generation for the health spa on the basis its use can be restricted by an appropriately worded condition.

Junction Capacity Assessments

The LHA advise that given all the above, no further junction capacity assessments are required.

Internal Layout

Holiday Lodges & Health Spa

The internal layout of the holiday lodge development is not for consideration at this stage. Nevertheless, the LHA is satisfied there is suitable space within the site to allow for an appropriate level of parking for each holiday lodge. This can be considered further at the reserved matters stage.

The Applicant has now submitted Hickman & Smith Architects drawing number A-PL-001 Rev. L, which includes an amended red line boundary for the site and includes the 202 space car park which was approved as part of application 24/00019/FUL. The Applicant has also confirmed that there would be between 6-10 full time members of staff employed because of the proposals. The Applicant anticipates that there would be demand of 185 spaces in the car park prior to the health spa development and on this basis, if 10 members of staff all arrived by their own vehicle, there would be seven available parking spaces for fluctuations in day-to-day parking.

Whilst the above is accepted by the LHA, it is on the basis that parking is appropriately managed, and the car park is not used by guests staying in the holiday lodges. The LHA previously advised that it had concerns it could be difficult to prevent those staying in the holiday lodges from driving to the health spa/ golf clubhouse etc, given the distance between the lodges and the rest of the site, or changeovers in lodge guests adding pressure to parking if they stay on-site after departing the lodge, and subsequent guests arriving early.

The Applicant has previously stated high quality wayfinding would be incorporated into the layout such as approved low-level lighting along paths and signposted routes to encourage walking between the lodges and the spa facility. The Applicant has also advised that a Car Parking Management Plan (CPMP) could be secured by condition to outline how a parking management strategy could be implemented.

The LHA advise that a CPMP should be secured via an appropriately worded condition should the LPA be mindful to grant planning permission for the proposals. This would need to outline measures which would be taken to prevent occupiers of the lodges from driving to/ from the health spa/ clubhouse, such as an electric buggy service between the lodges and the spa.

It should also be noted that as part of this specific development, in the event the spa and holiday lodges were the only developments to come forward on the wider site, staff parking only would be required for the spa given the lodges would have their own car parking space.

Public Rights of Way

As advised previously, the application site is crossed by Public Footpaths S68 and S70. The LHA has no further comments on rights of way and advises a condition could be advised in respect of treatment of the Public Rights of Way.

Conditions

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

2. The Kyngs Golf Leisure & Health Spa shall be constructed and maintained for the exclusive use of members of the Kyngs Golf & Country Club and guests of the Kyngs Golf hotel and Holiday Lodges only and shall not be made available for independent use by the general public.

Reason: In the interests of general highways safety and in accordance with the National Planning Policy Framework (2024) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the car parking facilities and the local road network.

3. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on HAS drawing number HAS/17-030/01 Rev. A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

4. No part of the development hereby permitted shall be first used until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2024).

5. The health spa development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with Hickman & Smith Architects drawing number A-PL-001 Rev. L. 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).

6. No part of the development hereby permitted shall be first used until a Car Park Management Plan detailing measures to prevent users of the holiday lodges from parking in

the wider site car park, such as an electric buggy service, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Car Park Management Plan shall be implemented in accordance with the approved details.

Reason: To manage parking demand to reduce the possibility of the proposed development leading to over use of the wider site car park and on-street parking problems locally, in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

7. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2024).

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 20 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

9. No development shall take place until a scheme for the treatment of the Public Rights of Way (S68 and S70) has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRow alignments, or any legal diversion order to ensure they do so in future; and any new construction works and other enhancement. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (2024).

Informative

The following notes should be drawn to the Applicant's attention:

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge

commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Date Received **Case Officer**
15 September 2025 **Ben Dutton**

Reviewer
DH

Date issued
7 November 2025