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Borough Council

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**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
Chief Executive

Date: 28 November 2016

**To: Members of the Planning Committee**

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr LJP O'Shea
Mr PS Bessant	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mrs GAW Cope	Mrs MJ Surtees
Mr WJ Crooks	Miss DM Taylor
Mrs L Hodgkins	Ms BM Witherford
Mr E Hollick	Ms AV Wright
Mrs J Kirby	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 6 DECEMBER 2016** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

## PLANNING COMMITTEE - 6 DECEMBER 2016

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 8 November 2016.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

The Deputy Chief Executive (Community Direction) to report progress on any decisions delegated at the previous meeting.

7. 16/00712/FUL - 9 COSTALOT STABLES, BARLESTONE ROAD, BAGWORTH (Pages 5 - 10)

Application for erection of livestock building.

8. 16/00247/FUL - LAND SOUTH EAST OF JUNCTION OF BARWELL LANE AND HARWOOD DRIVE, HINCKLEY (Pages 11 - 28)

Application for relocation of Dorothy Goodman School.

9. 14/01189/OUT - SKETCHLEY HILL HOUSE, RUGBY ROAD, BURBAGE (Pages 29 - 42)

Application for erection of 9 dwellings and associated roads and car parking, following demolition of existing property (outline – access, layout and siting).

10. 16/00636/HOU - 38 FARAY DRIVE, HINCKLEY (Pages 43 - 50)

Application for two storey rear extension.

11. APPEALS PROGRESS (Pages 51 - 54)

Report of the Deputy Chief Executive (Community Direction) attached.

12. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

8 NOVEMBER 2016 AT 6.30 PM

PRESENT: Mr R Ward - Chairman  
Mr BE Sutton – Vice-Chairman  
Mr CW Boothby (for Mr PS Bessant), Mrs MA Cook, Mrs GAW Cope, Mr WJ Crooks, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr M Nickerson (for Mr C Ladkin), Mr LJP O'Shea, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Miss DM Taylor, Ms BM Witherford and Ms AV Wright

In accordance with Council Procedure Rule 4.4 Councillors Mr MA Hall and Mr SL Rooney were also in attendance.

Officers in attendance: Gemma Dennis, Rebecca Owen, Michael Rice and Nic Thomas

#### 236 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bessant and Ladkin with the following substitutions authorised in accordance with Council Procedure Rule 4:

Councillor Boothby for Councillor Bessant  
Councillor Nickerson for Councillor Ladkin.

#### 237 MINUTES

It was moved by Councillor Crooks, seconded by Councillor Roberts, and

RESOLVED – the minutes of the meeting held on 11 October 2016 be confirmed and signed by the Chairman.

#### 238 DECLARATIONS OF INTEREST

Councillors Nickerson and Wright declared personal interests which might lead to bias in application 16/00681/FUL as it was an application by Burbage Parish Council, on which they were councillors.

#### 239 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions made at the previous meeting had been issued, and Faray Drive was on the agenda for this meeting.

#### 240 16/00726/OUT - 65 COVENTRY ROAD, BURBAGE

Demolition of 65 Coventry Road and erection of 13 dwellings (outline – access, layout and scale).

It was moved by Councillor Wright, seconded by Councillor Roberts and

RESOLVED – the application be refused for the reasons contained in the officer's report.

#### 241 16/00517/CONDIT - 20 TRINITY VICARAGE ROAD, HINCKLEY

Application for variation of conditions 1 and 4 of planning permission 16/00027/CONDIT to add 1 window to rear elevation and 8 roof lights and accommodation within roof space (retrospective).

Notwithstanding the officer's recommendation that the application be approved, it was moved by Councillor Witherford and seconded by Councillor Crooks that the application be refused.

Following further discussion, Councillor Roberts proposed that all new windows and roof lights be opaque and fixed. In the absence of a seconder, the motion was not pursued.

It was subsequently moved by Councillor Wright and seconded by Councillor Roberts that the two roof lights to the rear of the property serving the bedroom only be opaque and fixed.

Being the first valid motion, a vote was taken upon the proposal to refuse permission which was LOST.

Councillor Boothby proposed an amendment to Councillor Wright's motion that members be kept updated with regard to compliance with the conditions. This was accepted by the mover and seconder of the motion.

A vote was then taken on the amended motion to amend the conditions to require the two roof lights to be opaque and fixed. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) permission be granted with the abovementioned amendment;
- (ii) Members be updated with regard to compliance with the conditions.

242 15/00743/FUL - HOME FARM, MARKFIELD ROAD, GROBY

Application for conversion of agricultural buildings to three dwellings and extensions and alterations to two existing dwellings.

On the motion of Councillor Roberts, seconded by Councillor Sutton it was

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

243 16/00681/FUL - BRITANNIA RECREATION GROUND, BRITANNIA ROAD, BURBAGE

Application for alterations and extensions to existing parish hall and erection of a new pavilion.

On the motion of Councillor O'Shea, seconded by Councillor Boothby, it was

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

244 16/00636/HOU - 38 FARAY DRIVE, HINCKLEY

Application for two storey rear extension.

Notwithstanding the officer's recommendation that permission be granted, Councillor Taylor proposed that the application be refused. In the absence of a seconder, the motion was not put.

Councillor Boothby, seconded by Councillor Roberts, proposed that the application be deferred to allow for consideration of amended plans following the applicant's indication that he would be willing to amend the roofline of the proposed extension. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred to give consideration to amended plans.

245 APPEALS PROGRESS

Members received an update on progress in relation to various appeals since the last meeting. It was moved by Councillor Boothby, seconded by Councillor Sutton and

RESOLVED – the report be noted.

(The Meeting closed at 8.10 pm)

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CHAIRMAN

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Planning Committee 6 December 2016  
Report of the Chief Planning and Development Officer



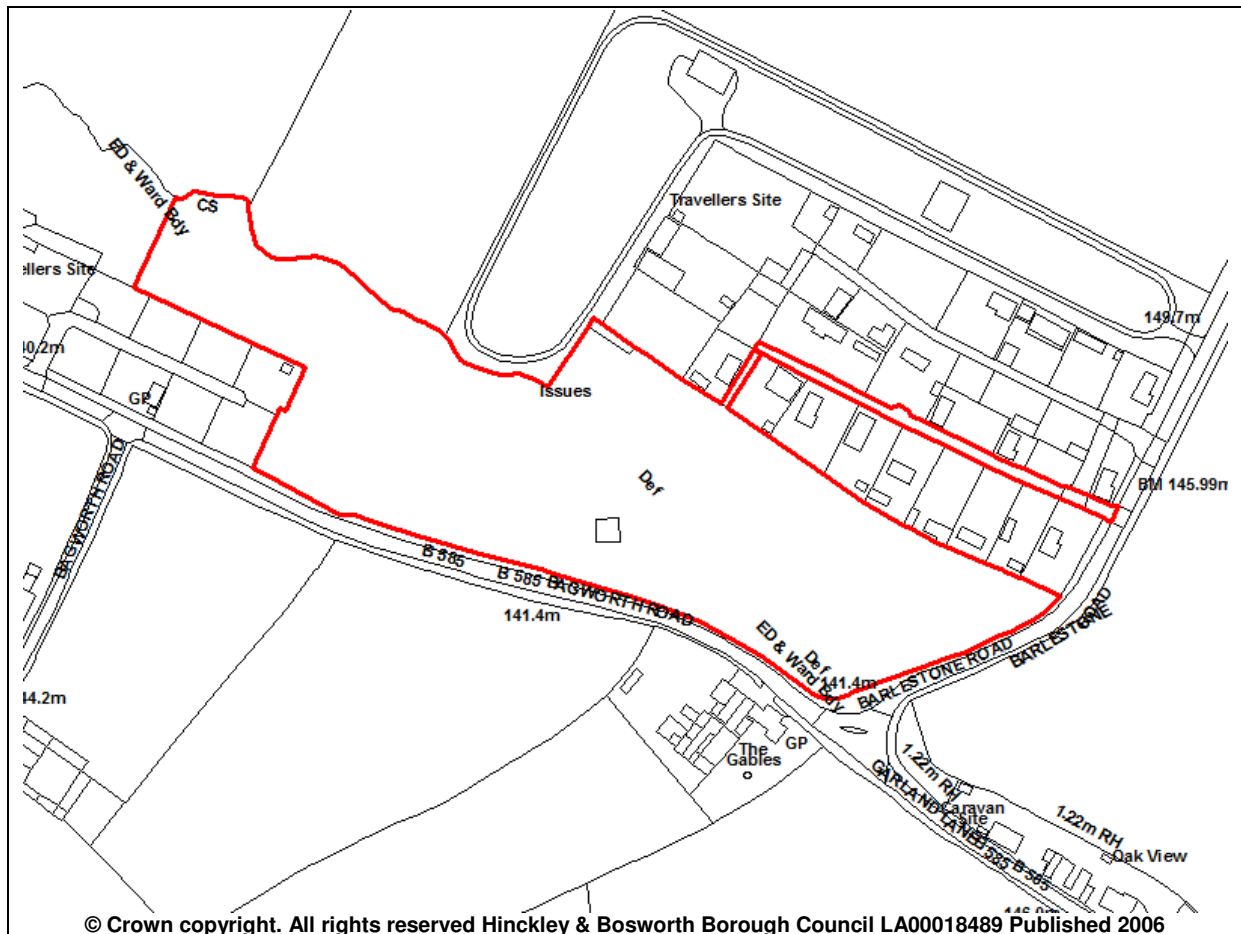
Hinckley & Bosworth  
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Planning Ref: 16/00712/FUL  
Applicant: Mr Amos Wilshere  
Ward: Ratby Bagworth And Thornton

Site: 9 Costalot Stables Barlestone Road Bagworth

Proposal: Erection of livestock building



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks planning permission for the erection of a livestock building for the purposes of rearing horses.
- 2.2. Amended plans to reduce the size of the building have been submitted during the assessment of the application.

## 3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the south west of Bagworth, adjacent to the junction of the B585 and Barlestone Road. The area is rural in character with

several agricultural fields surrounding the application site. Immediately adjacent to the north of the application site are several Gypsy and Traveller dwellings ranging from caravans to single storey bungalows. Immediately west of the application site is an unauthorised gypsy and traveller site.

- 3.2. The application site comprises a large paddock accessed through the gypsy and traveller site to the north. The site is bounded by a mix of post and rail fencing and hedgerows.

#### **4. Relevant Planning History**

None relevant.

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No representations have been received.

#### **6. Consultation**

- 6.1. No objections, some subject to conditions, have been received from the following:
- Environmental Health (Pollution)
  - Environmental Health (Drainage)
  - Leicestershire County Council (Highways)
  - Leicestershire County Council (Ecology)

#### **7. Policy**

- 7.1. Core Strategy (2009)
- None applicable
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- DM1: Presumption in Favour of Sustainable Development
  - DM4: Safeguarding the Countryside and Settlement Separation
  - DM10: Development and Design
  - DM17: Highways and Transportation
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)

#### **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies
  - Impact upon the character of the area
  - Impact upon residential amenity
  - Impact upon the highway

##### Assessment against strategic planning policies

- 8.2. The application site is located in the countryside as defined by the Site Allocations and Development Management Policies DPD. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development in the countryside is considered 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.

8.3. This application seeks planning permission for the erection of a livestock building. The building would be used for the sheltering of horses overnight and in winter and the storage of associated hay and feed. The rearing of horses would be considered to constitute a rural business and is an appropriate use in the countryside. At present, the horses are reared in the field where the building is proposed with no shelter and there have been instances of horses escaping onto the road. The applicant has commented that the breed of horse being reared on the site has recently changed and the current breed is more susceptible to impacts from cold weather over winter months. At present, and to be continued in the proposed building, horses are reared on-site to be sold at horse shows once they reach maturity. The supporting text to Policy DM4 notes that rural enterprises can entail a variety of activities which can all contribute to job creation and economic growth. The proposed use of the building would accord with criterion c) of Policy DM4 of the SADMP. The use of the building for the purposes of livestock only should be secured through a planning condition.

Impact upon the character of the area

- 8.4. 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. Policy DM4 of the SADMP seeks to ensure that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.5. The building is proposed to be sited in the north west corner of a parcel of land currently used as a paddock. The topography of the area is relatively flat although the area where the building is to be sited dips slightly below the land surrounding to the east and west. The paddock is bounded by a mix of hedgerow and timber post and rail fencing.
- 8.6. This application proposes an agricultural style open fronted building constructed of low level concrete walls, timber boarding and steel sheeting for the roof. The building would have an eaves height of 3.3m rising to 4.3m to the ridge line. The design of the building is characteristic of agricultural buildings in the countryside and would not appear out of place. The siting of the building in the north west corner of the paddock, at the lowest point, and in close proximity to the built form of Costalot, minimises the intrusion of the built form into the countryside and the buildings visibility from public viewpoints along Barlestone Road and the B585. It is considered that the proposed building would not have an adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside and is in accordance with Policies DM4 and DM10 of the SADMP.

#### Impact upon residential amenity

- 8.7. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. By virtue of the location and scale of the proposed building, it is not considered that there are any residential properties within the vicinity that would be impacted. Therefore, the proposed building is considered to be in accordance with Policy DM10 of the SADMP.

#### Impact upon Highway Safety

- 8.8. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety.
- 8.9. The proposed building would be served by an existing access through the Costalot site from Barlestone Road. Leicestershire County Council (Highways) was consulted on the application and responded by referring to their standing advice.
- 8.10. The egress has adequate vehicular visibility in a northerly direction but limited visibility in a southerly direction. The proposed building would be used for the rearing of horses to be sold at horse shows once they reach maturity and not for any other purpose i.e. a riding school or livery.
- 8.11. The owner of the building lives on the Costalot site and would not need to travel to the site from elsewhere to maintain the livestock, therefore reducing the overall trips associated with the use. The movements associated would be limited and would not have a material impact on the highway. It is considered that the proposed development would not have an adverse impact on highway safety and is in accordance with Policy DM17 of the SADMP.

### **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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

### **10. Conclusion**

- 10.1. The application site is located in the countryside where development is limited to that which is considered sustainable development in the countryside in accordance with Policy DM4 of the SADMP. This application proposes a livestock building for the rearing of horse which is considered in accordance with criteria c).
- 10.2. By virtue of the design, layout and scale, the proposed building would not have an adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside. The building would not give rise to vehicular movements that would materially impact on highway safety.
- 10.3. The proposed development is considered to be in accordance with Policies DM1, DM4, DM10 and DM17 of the SADMP.

## 11. Recommendation

### 11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

### 11.2. Conditions and Reasons

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

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

- Site Location Plan (received on 23 November 2016)
- Elevations (received on 22 November 2016)

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. The proposed building hereby permitted, shall be used for the purposes only of rearing horses for sale and for no other purpose.

**Reason:** To ensure the use of the building is considered to constitute sustainable development in the countryside and does not have an adverse impact on highway safety in accordance with Policies DM4 and DM17 of the Site Allocations and Development Management Policies DPD.

### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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Planning Committee 6 December 2016  
Report of the Chief Planning and Development Officer

Planning Ref: 16/00247/FUL  
Applicant: Dorothy Goodman School  
Ward: Hinckley DeMontfort

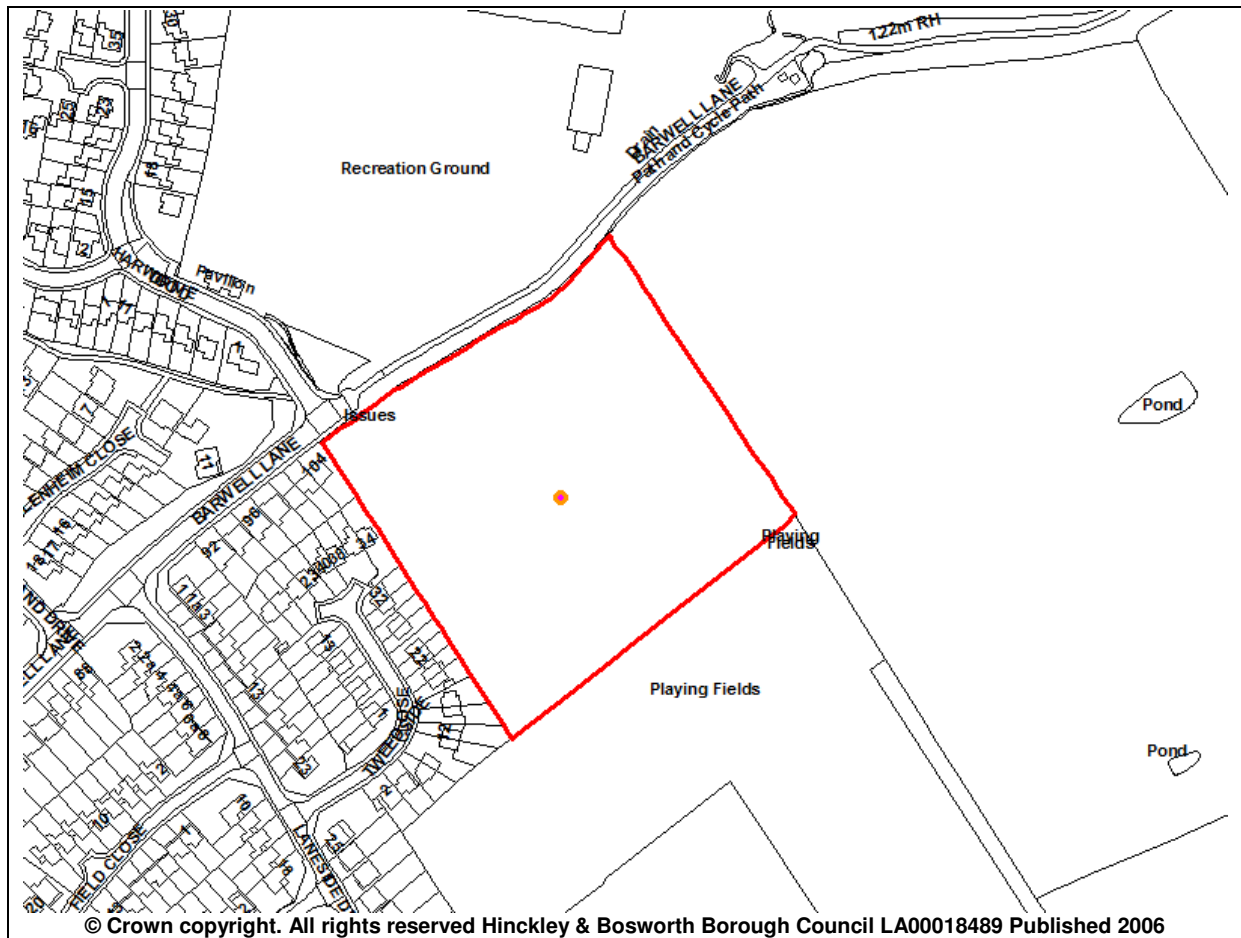


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Site: Land South East Of Junction Of Barwell Lane And  
Harwood Drive Hinckley

Proposal: Relocation of Dorothy Goodman School



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. The application seeks planning permission for a new school building providing a new facility for the Dorothy Goodman Special Needs School.
- 2.2. The existing school campus is spread across 2 separate sites (Stoke Road and Middlefield Lane, Hinckley) The current Upper school site lacks modern facilities and has no outdoor space or vocational areas. A new school site would allow

expansion of the upper school for pupils between the ages of 11-19 with enhanced facilities. Initially 99 pupils would be relocated to the school.

- 2.3. Access serving the application site is situated along the north west boundary, and would utilise the existing field access.
- 2.4. There would be 55 car parking spaces provided on site for staff and visitors and 14 mini bus spaces, a vehicle turning area is also proposed to the east of the site to allow vehicles to leave the site in a forward gear.
- 2.5. The proposal also seeks to incorporate outdoor space, both formal and informal spaces. A multi-use games facility and formal sport pitch are proposed to be located along the north east side of the application site.
- 2.6. During the course of the application amended plans have been received proposing the relocation of the building towards the eastern edge of the site with the relocation of the internal service road and service area in order to retain the open nature of the site and to move it further away from residential properties. This has allowed for a 35m area of open space to retain the open views from Harwood Drive. It also allows the retention of the existing hedgerows, trees and vegetation that characterise the site.

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site occupies an area of approximately 2.3 hectares, with the boundaries defined by mature hedgerows interspersed with trees. The site slightly falls away to the north east. To the south west are residential dwellings which back onto the application site. A public footpath runs along the north west boundary of the site, and north of this is Swallows Green, a recreation Ground. Fields are located to the north east and south east.
- 3.2. The site is identified as being part of the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge under Policy 6 of the Core Strategy.

### **4. Relevant Planning History**

None relevant.

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents whose properties are bound by the site. A site notice was also posted within the vicinity of the site to allow for wider consultation. Representations of support have been received from 67 members of the public. Representations of objection have been received from 93 members of the public. There have been 3 comments neither objecting nor supporting the application.
- 5.2. The objections are summarised below:

- 1) There are only two access roads into the Stoneygate and Swallows Green Estate: Barwell Lane and Stoneygate Drive. The increase in traffic from development would lead to unacceptable levels of congestion and would be dangerous for road users and pedestrians

- 2) The new school would be out character and scale in relation to the residential character of the area
- 3) A loss of greenspace and associated uses (walking/dog walking/sport)
- 4) Placing the green wedge under threat and opening the way to further development to erode the green wedge further
- 5) Concern for existing wildlife on the site
- 6) The development would result in a loss of light to surrounding residential properties due to tree planting along the boundary between the school and neighbouring homes
- 7) Kitchen and bin stores too near homes with consequent increase of noise/smells causing negative impact on residential amenity
- 8) Risk of flooding
- 9) Harmful impact on river and wildlife
- 10) There would be overlooking upon nearby properties
- 11) Harmful noise impact on residents
- 12) Overbearing due to erection of 1.8m fence around perimeter
- 13) ASDA's application for a new petrol station was rejected and the grounds for its refusal should apply for this application. To support this application would be an example of double standards
- 14) In breach of northern perimeter road agreement which stated that site which is now proposed was not to be developed for 25 years
- 15) Transport assessment made by third party from another county prevents a true understanding of the harm of the impact of development
- 16) Concerns of whether the car park will be secured at night and the potential for it to become a source of anti-social behaviour. Area currently has few shops, pubs and other facilities that attract crime – new development will upset this
- 17) The site on which the proposed school is to be built has been offered to them by HBBC and the planning application is to be considered by the same authority. This cannot be viewed as an impartial process
- 18) Necessary traffic calming measures (speed humps) will lead to damage to vehicles of residents
- 19) Not all residents were consulted
- 20) Negative impact on property prices
- 21) Loss of scenery
- 22) Alternative sites are preferable: Holliers Walk, Old Leisure centre, Albert Road
- 23) Concern about maintenance of newly planted trees
- 24) Concern regarding noise and dirt while building work is undertaken
- 25) Creation open amphitheatre to north within school grounds - would be warmer for school children if it faced south

5.3 Following amended plans dated 6 September 2016, there were a further 12 representations of objection from members of the public. The concerns raised are summarised below:

- 1) Building out of character/scale with residential character of area

- 2) Concerns in regards to increase in traffic, congestion, parking and highway safety, pedestrian safety
- 3) Environmental impact: flood risk, light and carbon pollution
- 4) Contradicts DM4 - safeguarding countryside and settlement separation
- 5) Overshadowing/loss of light
- 6) Car park too close to protected hedgerow. Hedgerow designated as local wildlife site by WYG in survey carried out by for H&B in 2012
- 6) Loss of potential archaeology. Land near site of Roman villa
- 7) No mention of impact of noise from outdoor amphitheatre
- 8) Potential loss of wild cherry tree near entrance
- 9) Removal of substantial trees and shrubs to the right of entrance to school when viewing from Barwell Lane. This will have a significant visual impact from the road
- 10) Loss of views
- 11) A once peaceful residential area will have its peaceful nature eroded

The concerns are addressed within the main body of the report.

## **6. Consultation**

- 6.1. No objections subject to conditions have been received from:

Leicestershire Lead Local Flood Authority  
 Leicestershire County Council (Ecology)  
 Leicestershire County Council (Highways )  
 Leicestershire County Council (Archaeology)  
 Environmental Health (Pollution)  
 HBBC (Drainage)

No comments have been received from Environment Agency.

## **7. Policy**

- 7.1. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 24: Sustainable Design and Technology

- 7.2. Site Allocations and Development Management Policies DPD (July 2016)

- DM1: Presumption in Favour of Sustainable Development
- DM2: Delivering Renewable Energy and Low Carbon Development
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM9: Safeguarding Open Space, Sport and Recreational Facilities
- DM10: Development and Design
- DM13: Preserving the Borough's Archaeology
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards
- DM25: Community Facilities



### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Ecology
- Landscaping
- Lighting
- Drainage
- Archaeology

#### Assessment against strategic planning policies

8.2 The proposed site is currently used for agricultural purposes adjacent to dwellings on the east side of Barwell Lane accessed via a field gate and forms part of the green wedge. Barwell Lane becomes a footpath/cycle path beyond the field gate.

8.3 The site, originally identified as a community facility in the 2001 Local Plan, is not allocated for this use within the Site Allocations DPD. The designation of the land is green wedge within Policy 6 of the Core Strategy. The functions of the green wedge are: to prevent the merging of settlements; to guide development form; to act as a green lung and provide a recreational resource. The development for educational purposes would not normally be an acceptable land use as outlined within this policy.

8.4 To help make an assessment on the impact of the development on the green wedge, an assessment (as outlined in the Leicester & Leicestershire Green Wedge Review Joint Methodology) has been carried out. The conclusions of the assessment are as follows:

- In terms of physical separation, the erection of the school would not reduce the gap between Barwell and Hinckley. Swallows Green Recreation Ground abuts the site and as a designated open space (HIN93) provides an additional barrier in preventing the merging of settlements. The playing fields could be further identified as an open space remaining part of the green wedge providing an additional recreational resource.
- In terms of perception of distance between the settlements, the site is surrounded by mature vegetation resulting in it being well screened, therefore the distance between Hinckley and Barwell is sufficient to maintain settlement identity. The building would be single-storey limiting its visual impact.
- The site is currently enclosed with no public access and does not contribute significantly to the function of the green wedge as a green lung helping to

provide communities with access to green infrastructure and the countryside beyond.

- The site does not act as a recreational resource as it is within private ownership. The proposed playing fields would fall within the category of open space and could be allocated as such through the local Plan Review.
- The school is identified as performing the roll of a community facility within Policy DM25 of the SADMP, this seeks to ensure that new community facilities are accessible to the communities which they serve. The transport assessment highlights that 'pupils come from a wider than normal catchment area'. As the site is relatively close to both the Upper and Lower Schools, the proposed location fits the requirement of this policy.

8.5 There are three core strands underpinning the presumption in favour of sustainable development as set out within paragraph 7 of the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable.

8.31 Each of the three dimensions of sustainable development are considered below:

#### Economic

8.6 To help achieve economic growth, local planning authorities should support existing business sectors. In this instance, the existing school requires the site in order to expand to meet the needs of the local community. Paragraph 72 of the NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local Planning Authorities are advised to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning Authorities are required to give great weight to the need to create, expand or alter schools, and work with school promoters to identify and resolve key planning issues before applications are submitted. In this instance the proposal meets the economic dimension.

#### Social

In order to promote healthy communities, as stated above, the NPPF advises at paragraph 72 to ensure there are a sufficient number of school places available to meet the needs of existing and new communities; and at paragraph 73 that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities. The scheme provides a new school catering for pupils with a broad range of learning difficulties and would contribute towards providing a significant social benefit by offering a high quality learning environment with modern purpose built facilities to cater for pupils with a spectrum of learning difficulties within one site. The site as existing is private land with no public access. The ancillary benefits of the school would be the provision of high quality sports and recreation facilities which could be used not only for the school use but for the wider general public. In this instance the proposal meets the social dimension.

## Environmental

- 8.7 Section 11 of the NPPF discusses the need for conserving and enhancing the natural environment and requires local authorities to set out a strategic approach within the local plan which plan proactively for the creation, protection and enhancement of green infrastructure. The site is designated as green wedge the functions of which are: to prevent the merging of settlements; to guide development form; to act as a green lung and provide a recreational resource. Although the proposal does not meet the criteria for development within the local plan green wedge policy it is considered that the social and economic benefits of the proposal outweigh the limited harm to the green wedge in this location.

## Impact upon the character of the area

- 8.8 DM10 requires that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and which incorporates a high standard of landscaping where this would add to the quality of the design and siting. DM10 also requires the use and application of materials to respect the materials of existing, adjoining/neighbouring buildings and the local area generally.
- 8.9 The site is located in a countryside setting, with a single point of access to the highway. Adjacent to the south-west is residential development with open fields to the east and south, opposite the site to the north is Swallows Green Recreation Ground. A public footpath runs parallel (west-east).
- 8.10 Although concerns have been raised regarding 'loss of scenery', existing views into the site are limited due to the existing hedging, trees and vegetation, the main view into the site is from the access gate at Barwell Road and a key feature of the view into the site at this point is its openness and southerly views towards the wider countryside. When the planning application was submitted, the school building was proposed closer to the western boundary with an internal service road to the refuse area. However, in order to address the impact upon residential properties, the school building has been relocated approximately 33m away from this boundary with the service road on the eastern side of the building. Not only does this move the potential noise source further away from residential dwellings it has also created an open area of approximately 1,250sqm between the western boundary and the side/ rear wall of the school building which retains the current open aspect from Harwood Drive. Although the proposal would result in the loss of some of the existing hedgerow and smaller trees around the access, the plans show several new trees will be planted along with new trees along the western elevation which will provide further screening of the school building from public points of view.
- 8.11 The design of the building and its location approximately 29m from the north (front) boundary creates a low key appearance leaving the majority of the site open and natural. Although it is proposed for a 1.8m high mesh fencing to be erected around the perimeter of the site (including entrance gates) the boundary hedging would be retained and the site would retain its rural appearance from both the site frontage as well as other key vantage points, including the B468 (Leicester Road) and the A47.
- 8.12 The building would be predominantly single-storey in appearance with a raised roof line towards the north-eastern end which internally accommodates the hall. Raised glazed rooflights add interest to the roof line and allow additional light into internal classrooms. A simple palette of materials gives the building uniformity and clear identity. Clay facing brickwork is intended to the external walls, combined with

hardwood cedar boarding to soften the overall appearance. Aluminium and Timber composite windows and doors are proposed for durability. The roof is a low maintenance Aluminium standing seam roof. Both the choice of materials and the single-storey appearance of the building are considered to not have a detrimental impact on the semi-rural character of the area and are considered acceptable.

- 8.13 The positioning of the building away from the residential edge provides an open view through the site towards the surrounding countryside, minimising the impact on the open aspect of the site. The additional tree planting along the western boundary and the western wall of the school building helps further to screen the building from the limited views into the site. The scheme would relate well to the site's setting in the countryside location and therefore complies with policy DM10.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 seeks to ensure that development does 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, noise and vibration and visual intrusion.
- 8.15 Residents have raised concerns that the scheme would impact on them by increased traffic and vehicle movements, noise nuisance with reference to delivery/service vehicles as well as issues relating to loss of privacy, loss of light and general disruption in the area from the school.
- 8.16 The scheme has been revised significantly to minimise the impact on occupiers of residential properties with reference to noise from service vehicles with the relocation of the service road and service areas to the east side of the school building. The repositioning of the building from 23m to 33m away from the western boundary and the revised internal layout with the office and staff rooms on the western side of the building and noisier activities such as the school hall, amphitheatre to the east will result in a reduction in potential disturbance to the residential dwellings to the west. Increased tree planting along the western boundary will provide a visual barrier between the rear gardens of the residential dwellings on Barwell Lane and Tweedside Close resulting in no loss of privacy into the rear gardens/rooms of the dwellings which share this boundary.
- 8.17 The applicant has provided an indicative timetable of operation hours and would generally operate within normal school opening hours. The school is open to pupils from 8am until 4:30pm for 39 weeks per year. For up to 10 weeks in the school holidays holiday clubs would run from 10:00am until 3:00pm. These clubs typically accommodate up to 20 pupils per day. No activities would normally be held on a Sunday and there would only be occasional activities that take place in the evening – beyond 6:00pm which are seasonal (Christmas, Easter, parents open evening etc.). With the opening of the school it is a consideration that a Saturday morning club may be run for pupils which would typically run from 10:00am until 1:00pm.
- 8.18 Given the typical hours of use described above, and the distances between the facility and residential properties, there would be no loss of amenity to nearby occupiers in the evenings and weekends when the majority of residents would be at home and there would be little disruption to the quiet enjoyment of their homes and rear gardens within these times. With the majority of the outdoor 'play' activity focused on the playing fields and the multi-use sports area ( to the east of the site) and the outside amphitheatre, noise from outdoor activity will disperse across the site rather than contained in the area immediately to the east of the nearby

residential dwellings. As the outdoor activities would also be restricted to normal school opening times, the impact would be minimal.

- 8.19 Objections have been received with regard to loss of light to the houses on Tweedside Close in regard to the additional tree planting. The trees have been included to strengthen the boundary to prevent loss of amenity to neighbouring occupiers. A condition is to be imposed in regard to a landscaping scheme and the species of trees can be restricted to indigenous species which have limited heights /coverage.
- 8.20 The site as proposed would be secured via the 1.8m fencing and gates which would ensure that the school building and associated grounds (including the car park) would be secured once the school was closed. Although concerns have been raised regarding low level anti-social behaviour this would be dealt with by the school administrators and not under planning legislation.

#### Impact upon Highway Safety

- 8.21 Policies DM17 and DM18 relate to highways impacts and vehicle parking standards. DM17 requires all new development to demonstrate, amongst other things, that there would be no significant adverse impacts upon highway safety and the residual cumulative impacts of the development on the transport network are not severe. Policy DM18 requires all new development to provide an appropriate level of parking provision in accordance with Leicestershire County Councils 6C's Design Guide.
- 8.22 The school would provide places for 99 pupils with on average 14 mini buses dropping off/picking up. Currently there are a further 17 pupils brought to the existing lower school site by either parent or taxi. This is forecast at 26 parent/taxi drop offs/pick ups at the new school site. All parking provision for staff and pupils is contained within the school site with the provision of 55 car parking spaces and 14 mini bus spaces. Covered cycle storage for up to 20 cycles is also provided which is likely to be used by staff.
- 8.22 The applicant has provided details of a purpose built on-site pick-up/drop-off facility and staff parking arrangement to allow vehicles to ingress/egress the site efficiently and safely and to prevent pupils needing to be dropped off on adjacent roads.
- 8.23 The provision of a pick-up/drop-off facility and additional staff parking is likely to go a long way towards mitigating the impact trips on the network at peak times. The proposals for car parking provision and pick-up/drop-off will contribute to ensuring all school vehicular movements at peak times, as far as possible, occurs within the school site reducing the potential of network saturation on local roads, particularly on Barwell Lane.
- 8.24 Leicestershire County Council (highways) is satisfied that the impact of development at this junction is not considered severe in accordance with Policies DM17 and DM18 and Paragraph 32 of the National Planning Policy Framework. On this basis, no objections are raised.

#### Ecology

- 8.25 Policy DM6 requires all development proposals to demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term management.

- 8.26 The application included a Preliminary Ecological Appraisal which identified potential for protected species to be present. Further Survey work has been carried out and presented to Leicestershire County Council (Ecology) for comments.
- 8.27 The study states that no protected species were found within the site and further studies for Great Crested Newts were carried out in identified local ponds close by. Further to additional information with regard to these investigations, the County Ecologist is satisfied that the application is unlikely to impact upon protected species or other sensitive habitats and has no outstanding objections subject to conditions.

#### Landscaping

- 8.28 Policy DM10 requires all developments to incorporate a high standard of landscaping where this would add to the quality of the design and siting. The site benefits from hedgerows on all four boundaries, including a species rich hedgerow on the north (front) boundary which is protected. Additional landscaping including indigenous tree screening on the western boundary and along the western side elevation of the school building provides additional buffering for the residential properties on Barwell Road and Tweedside Close. It is considered that, subject to a condition requiring the long term management of the landscaping within the site, the landscaping as proposed is acceptable. Although there have been no specific details of the 1.8m fence and access gates, the submitted artist impressions show the fence as being a close mesh wire fence which is commonly used for additional security purposes. A condition is recommended to ensure that details of the fencing /access gate be agreed before installation.

#### Lighting

- 8.29 Policy DM7 relates to the prevention of pollution and flooding and requires, amongst other things, that all reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.
- 8.30 Residents have made representations with regard to potential light pollution. No details have thus far been submitted with regard to lighting within the site and it is considered prudent to ensure that this is subject to a condition to ensure that future lighting solutions do not cause harm to both residential amenity or create disturbance through light spillage to the natural habitats of birds/bats etc.

#### Drainage

- 8.32 Policy DM7 relates to the prevention of pollution and flooding and that development proposals must demonstrate that the proposals would not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough. Policy DM10 requires an appropriate Sustainable Drainage System to be submitted as part of an application. Leicestershire County Council (Drainage) have assessed the scheme with regard to SUDs and Surface Water Management and find it in accordance with the above policies and subject to conditions have no objections to the scheme. The site is within Flood Zone 1 which is the lowest risk area for flooding.
- 8.33 A FRA was undertaken by the applicant which includes a proposals strategy which utilises sustainable drainage techniques. LCC (Drainage) advises that the site is not at risk of flooding and can be developed safely without increasing flood risk

elsewhere, and that the development proposals comply with relevant planning policy concerning flood risk. The FRA demonstrates that suitable provision for the disposal of surface water run-off from the proposed development is capable of being provided and subject to conditions there are no objections to the scheme on flood risk grounds.

### Archaeology

- 8.34 Policy DM13 states that when a proposal has potential to impact a site of archaeological interest, developers should provide an appropriate desk-based assessment.
- 8.35 The site is located within an area of archaeological interest and has the potential to contain below ground archaeological deposits. Cropmarks have been recorded to the north-east of the site which are thought to represent the remains of pre-historic enclosures, in addition to a pair of possible ring ditches. Trial trenching to the south has identified deposits relating to a prehistoric settlement and the site of a Roman villa site is located to the south east. Mapping and aerial photographs indicate that the site has not undergone significant previous ground disturbance since the post medieval period and therefore any below ground archaeological remains that are present are likely to be well preserved and close to the ground surface.
- 8.36 The County Archaeologist has recommended that conditions be included to ensure that a Written Scheme of Investigation (WSI) is submitted prior to the commencement of development which should include the arrangement for the implementation of archaeological work and a timetable for the programme and methodology of the site investigation.

### The Planning Balance

- 8.31 The planning application has been assessed against development plan policies and other material considerations, including the guidance within the NPPF, the views of local residents and responses from consultees regarding those matters highlighted elsewhere within the report. Policy DM4 seeks to safeguard the countryside and offers criteria of the types of development which would be considered sustainable within a countryside location. Policy DM9 requires developments to seek to retain and enhance the accessibility of the space and its recreational value whilst ensuring the biodiversity and conservation value is also retained, where such development is within a green wedge, it should ensure it protects the role and function of the green wedge in line with Core Policy 6. Other relevant policies include DM6 (Enhancement of biodiversity and Geological Interest), DM7 (Preventing Pollution and Flooding), DM10 (Development & Design), DM13 (Preserving the Boroughs Archaeology), DM17 (Highways & Transportation) and DM18 (Vehicle Parking Standards), all of which have been assessed against the proposal.
- 8.32 In weighing up the planning balance, although it is acknowledged that the proposal would result in the loss of part of the green wedge, this part of the green wedge has limited amenity value and the development would provide enhanced environmental benefits including the provision of playing fields and the enhancement of biodiversity within the site with the protection of the species-rich hedgerows and additional tree planting in accordance with Policy DM6. The impact of built form within the open site has been mitigated through the relocation of the school building further away from residential development, its low level design, the proposed materials and finishes and the provision of additional tree planting and this part of the proposal is acceptable under Policy DM10. The site is within Flood Zone 1 and

there would be no increase of flooding within the area in accordance with DM7 and the Highways implications of the development are satisfactory under the requirements of Policies DM17 and DM18.

- 8.33 The site was an allocation in a former plan and was only removed as part of the Site Allocations DPD due to the education authority being unable to commit to the scheme when that plan was renewed. It is considered that Policy DM25, which supports new community benefits across the Borough, outweighs the potential harm to the green wedge and character of the open countryside.

It is concluded that any adverse impacts arising from the development can be mitigated by applying planning conditions and despite the proposal not being strictly in accordance with the local plan designation, this is outweighed by the wider benefits and mitigation measures proposed.

#### Other Matters

- 8.34 There have been a number of concerns arising from the public consultation exercise, the majority have been incorporated into the relevant sections of the report; the following matters are not planning matters and have not been considered within the decision making process:

- There is no loss of public loss of greenspace and associated uses (walking/dog walking/sport); the land is private land with no public access
- The trees have been included to strengthen the boundary to prevent loss of amenity to neighbouring occupiers.
- The ASDA application was allowed on Appeal
- The proposal is not in breach of any previous agreements concerning the northern perimeter road
- The application has been made by a private individual and is not an internal application made by the either Hinckley & Bosworth Borough Council nor by Leicestershire County Council.
- Property prices are not a planning consideration

## **9 Equalities Implications**

- 9.1 Section 149 of the Equalities 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 In determining this application, consideration has been given to the nature of the proposed development and any equality implications arising. The school would



accommodate pupils with learning difficulties for which there is a need to provide additional educational facilities.

## 10 Conclusion

- 10.1 The application site is located outside the of settlement boundary and forms part of the green wedge. However, given the above assessment, it is considered that the provision of a new school and the related community benefits that the proposal will bring forward outweigh the loss of a small section of the green wedge. Although not identified as a community facility, the site was previously allocated for community purposes in the previous plan.
- 10.2 The scheme limits potential impacts on the character and appearance of the scheme within its countryside location and on residential amenity with regard to loss of light, outlook, privacy and potential noise disturbance.
- 10.3 With regard to the *planning balance*, it is considered that overall the proposal is sustainable having regard to all other material planning considerations is therefore recommended for approval.

## 11 Recommendation

### 11.1 Grant planning permission subject to the following conditions:

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:- Proposed Site Plan - PL102 Rev B ( received 18 November 2016); Proposed Elevations – PL120 Rev A (received 6 September /2016); Proposed Ground Floor Plan - PL110 Rev B; (received 18 November 2016) and Parking Plan – Option B –PL131 (received 11 November 2016), proposed Site Access Junction Layout - 4801/23/01 ( received on 21 November 2016).

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Policies DPD.

- 3 Notwithstanding the details as submitted with the planning application, prior to commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed building shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. No development, other than site preparation works, shall commence until details of the siting and design of the entrance gates and any additional boundary treatments including walls, fences or any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Such gates, walls, fences and other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.

**Reason:** To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area and to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Prior to commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations, and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

6. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

**Reason:** To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development. in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

8. Notwithstanding the submitted details and prior to commencement of development, full details of the proposed site access junction, illustrated on drawing 4801/23/01 shall be submitted to, and approved in writing by, the Local Planning Authority. It shall incorporate further two-dimensional and three dimensional revisions as recommended by a Stage 2 Safety Audit and in accordance with engineering details. Such details to include construction, surface, water drainage, uncontrolled dropped kerb pedestrian crossing, keep-clear road markings and street lighting details. The approved access and traffic calming shall then be implemented in accordance with the approved details and be completed prior to first occupation.

**Reason:** To ensure a satisfactory form of development and in the interests of highway safety in accordance with Policy DM117 and DM18 of the Site Allocations and Development Management Policies DPD.

9. Prior to the first use of the development as a school, a School Travel Plan in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the LPA. The measures approved shall thereafter be provided.

**Reason:** To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Policy 17 of the Site Allocations and Development Management Policies DPD.

10. No development works shall commence until existing trees and hedgerows, identified to be retained in the approved layout, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and are of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected.

**Reason:** The hedgerows and trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD.

11. Prior to the first occupation of the development a detailed scheme of both soft and hard landscaping including the type, size and positions of new tree planting shall be submitted to and approved in writing by the Local Planning Authority. The approved additional tree planting shall be completed prior to the first occupation of the school building.

**Reason:** To ensure that a landscaping scheme is provided to enhance the development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building to which it relates to or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a within the first planting season and that initial plant losses are overcome in the interests of the visual amenity of the locality in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

13. The proposed development works should be in compliance with the mitigation and enhancement measures as detailed in Section 6 of the Ecological Assessment & 2012 Updated protected species survey and report, ref. RSE – 356-03-V1 dated October 2016 prepared by Ramm Sanderson.

**Reason:** To avoid any adverse impacts on sensitive habitats within or surrounding the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

14. No external lighting, shall be installed until a scheme of all external lighting provision related to the development hereby permitted has been submitted to, and approved by the Local Planning Authority. The scheme shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use. The lights shall be designed, installed, and thereafter maintained in accordance with Institute of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution'.

**Reason:** In the interests of residential amenity having regard to Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

15. Prior to commencement of development, a programme of archaeological work (Strip, Plan and Record evacuation) including a Written Scheme of Investigation shall be submitted to and approved by the Local Planning Authority in writing.

i) The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for the publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;

- Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation
- ii) No development shall take place other than in accordance with the Written Scheme of Investigation as above;
- iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out above and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies DPD.

16. The proposed development works should be in compliance with the mitigation and enhancement measures as detailed in Section 6 of the Ecological Assessment & 2012 Updated protected species survey and report, ref. RSE – 356-03-V1 dated October 2016 prepared by Ramm Sanderson.

**Reason:** To avoid any adverse impacts on sensitive habitats within or surrounding the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

17. No external lighting, shall be installed until a scheme of all external lighting provision related to the development hereby permitted has been submitted to, and approved by the Local Planning Authority. The scheme shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use. The lights shall be designed, installed, and thereafter maintained in accordance with Institute of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution'.

**Reason:** In the interests of residential amenity having regard to Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

18. Prior to commencement of development, a programme of archaeological work (Strip, Plan and Record evacuation) including a Written Scheme of Investigation shall be submitted to and approved by the Local Planning Authority in writing.

- i) The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for the publication and dissemination of the analysis and records of the site investigation

- Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation
- ii) No development shall take place other than in accordance with the Written Scheme of Investigation as above
- iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out above and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies DPD.

### 11.3 Notes to Applicant

1. The approved development will require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. If there are any works proposed as part of the application which are likely to affect flows in a watercourse or a ditch, then the applicant may require consent under s23 Land Drainage Act 1991.

Planning Committee 6 December 2016  
Report of the Chief Planning and Development Officer



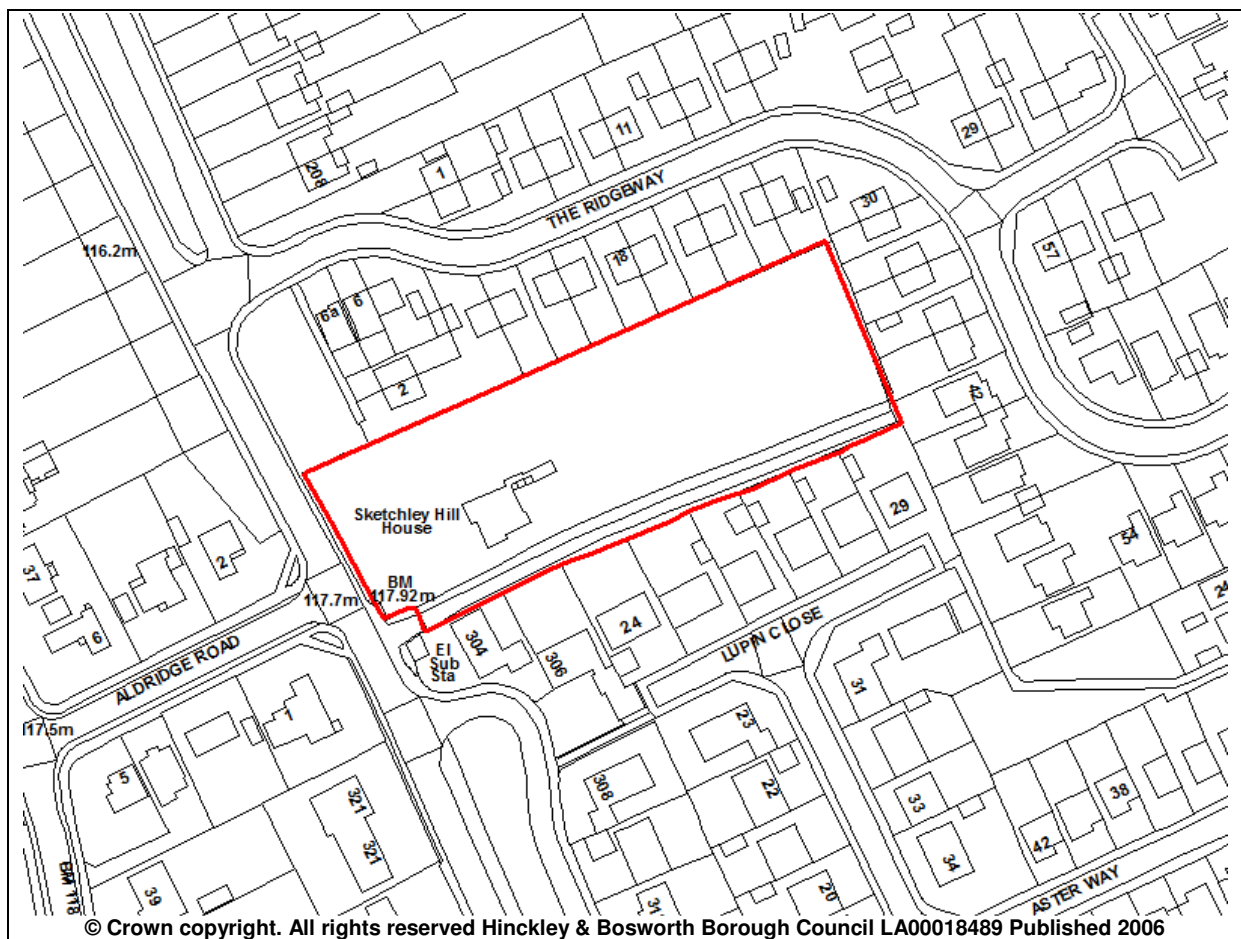
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 14/01189/OUT  
Applicant: Mr Derek Fox  
Ward: Burbage Sketchley & Stretton

Site: Sketchley Hill House Rugby Road Burbage

Proposal: Erection of 9 dwellings and associated roads and car parking,  
following demolition of existing property (outline - access, layout and  
siting)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks outline planning permission for access, layout and siting only for the proposed development. The scheme comprises the demolition of the existing dwelling Sketchley Hill House, and erection of 9 detached dwellings with associated road and parking provision.

- 2.2. The layout indicates that the development will comprise 9 dwellings (including one bungalow on Plot 6). With the exception of Plot 6, all the dwellings proposed would include a garage. All plots would have car parking provision for a minimum of two cars. Plot 9 is the only dwelling with a proposed detached double garage, which is sited at the end of the proposed access road. All dwellings would be sited south of the proposed road, and the proposed rear gardens would back onto the rear gardens of the existing bungalows along Lupin Close and Rugby Road.
- 2.3. The access point to the site would be located to the north-west edge of the site frontage on Rugby Road. The proposed road would run more or less parallel to the north boundary of the site, and includes a manoeuvring area for vehicles to turn in the site. The site is only accessible from Rugby Road.
- 2.4. The proposed layout would include the retention of a number of existing trees on the site, including those protected by an existing Tree Preservation Order sited along the northern boundary of the site. Notwithstanding this, the proposed development would also result in the removal of 24 trees, and some groups of trees and hedges on site, as stated within the submitted revised arboricultural report.
- 2.5. During the course of the application, a number of revised plans have been received for the proposed layout. Following the most recent comments received from Leicestershire County Council (Highways), the red line boundary on the site location plan was amended, and the proposed layout plan was amended to the version appraised in this report (Drg no. 4642/M received on 18 November 2016). Further, revised plans for the proposed house types for the development have been received. However, these are for indicative purposes only as access, layout and siting are the only detailed matters to be determined at this stage.
- 2.6. An ecology report has also been submitted with this application for consideration.

### **3. Description of the Site and Surrounding Area**

- 3.1. Sketchley Hill House is a detached two storey dwelling, with a parking area, driveway and extensive gardens, within an approximate site area of 0.52 hectares.
- 3.2. The site is within the settlement boundary of Burbage, sited within close proximity to shops and services within Burbage and Hinckley.
- 3.3. The site is surrounded by residential development and gardens. Rugby Road is characterised by a range of dwellings of a variety of size, type and style. The designs are predominantly traditional. To the immediate south of the site are bungalows, and to the north of the site are semi-detached, two storey dwellings.
- 3.4. The current site is accessible directly off Rugby Road.
- 3.5. There are 4 trees on the site protected by an existing Tree Preservation Order, located to the north-west corner of the site. There are also a large number of unprotected trees and hedges within the site.

### **4. Relevant Planning History**

06/00183/TPO	Works to tree	Permitted	25.04.2006
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88/01159/4	Replacement bay window to front of property	Permitted	21.10.1988
79/00554/4M	Erection of car port	Permitted	18.05.1979

## 5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. 15 representations were received from members of the public following the initial consultation of the application. The concerns that were raised are summarised below:-

- 1) The siting of the proposed access would be dangerous for road users and pedestrians
- 2) Rugby Road is already very congested, and development would increase this existing issue
- 3) There is an existing problem with vehicles speeding along Rugby Road
- 4) The existing infrastructure within the area, including schools and the doctor's surgery are already at maximum capacity and would not be able to cope with an increase in population resulting from the development
- 5) Concern for existing wildlife on the site
- 6) The development would result in a loss of light to surrounding residential properties
- 7) The proposed dwellings would overlook into neighbouring properties
- 8) The development is unnecessary as there are other residential sites being developed within the area
- 9) There are discrepancies with the submitted plans
- 10) The development would ruin the existing peaceful area
- 11) The scales of the houses proposed are too large, and would have an overbearing impact on neighbouring residential properties
- 12) Loss of privacy
- 13) Overwhelming, and would be overdevelopment of the plot
- 14) Adverse impact on the property values within the area
- 15) The trees indicated on the plans would need to be retained and protected
- 16) A construction plan would be required to control the impact of the construction of the development on the amenity of neighbouring properties
- 17) Concerns with the width of the pavement at the front of the site
- 18) The fencing and other boundary treatments would need to be secured prior to any commencement of development
- 19) Would result in noise, fumes and light pollution from cars utilising the access
- 20) Would be out of keeping with the character of the area, in particular, in relation to the existing bungalows along the southern boundary of the site
- 21) Concerns with the boundary treatments to the site, and maintenance of the vegetation
- 22) A proposal for bungalows only would be more suitable
- 23) Plot 9 and the associated garage are sited too close to the eastern boundary
- 24) Some dwellings proposed are 3 storeys in height.

5.3. Following the consultation of the submitted amended plans for the scheme, 8 representations were received from members of the public. Some comments received acknowledge that the revised scheme is an improvement to the initial proposal. However, the following concerns remain:-

- 1) Would be out of keeping with the character of the area, in particular, in relation to the existing bungalows along the southern boundary of the site
- 2) Concerns with the boundary treatments to the site, and maintenance of the vegetation
- 3) Some dwellings proposed are 3 storeys in height
- 4) Plot 9 and the associated garage are sited too close to the eastern boundary
- 5) The scales of the houses proposed are too large, and would have an overbearing impact on neighbouring residential properties
- 6) The proposed dwellings would overlook into neighbouring properties
- 7) Loss of privacy
- 8) A proposal for bungalows only would be more suitable
- 9) The development would result in a loss of light to surrounding residential properties
- 10) Overwhelming, and would be overdevelopment of the plot

## **6. Consultation**

- 6.1. Burbage Parish Council has submitted revised comments on the 23 August 2016, raising no objections to this application.
- 6.2. Leicestershire County Council (Highways) has raised no objection to the principle of the development. Final comments are awaited for the current version of scheme.
- 6.3. No objections subject to conditions have been received from:-
  - Street Scene Services (Waste)
  - Environmental Health (Pollution)
  - Environmental Services (Drainage)

- 6.4. No objections have been received from:-
  - Leicestershire County Council (Ecology)
  - HBBC Tree Officer

## **7. Policy**

- 7.1. Core Strategy (2009)
  - Policy 4: Development in Burbage
  - Policy 16: Housing Density, Mix and Design
  - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Deliver
  - 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) (2012) (Paragraphs 17, 56 and 58)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- Burbage Village Design Statement (VDS) 2006
- Emerging Burbage Neighbourhood Plan (NP)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Impact on Trees and Ecology
- Drainage
- Developer contributions
- Other issues

#### Assessment against strategic planning policies

8.2. Policy 4 of the Core Strategy seeks to ensure sustainable development in Burbage, including providing support to Burbage local centre, and ensuring development contributes to Burbage's character and sense of place. Policy DM1 of the adopted SADMP sets out a presumption in favour of sustainable development. As of the 1 April 2016, the Council can demonstrate a five year supply of housing land equivalent to 5.89 years supply. Development plan policies are therefore considered up to date, in accordance with paragraph 49 of the NPPF.

8.3. Policy 4 of the Core Strategy makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. Burbage has exceeded this minimum housing requirement by 189 dwellings. Comments have been received stating that the development would be unnecessary given the other residential developments currently ongoing within the area. However, the figure within the Core Strategy is a minimum figure and does not prevent the granting of permission for additional residential development within the settlement limits which are in accordance with the Development Plan.

8.4. The site is located within a sustainable urban location within the settlement boundary of Burbage. The site is bounded by existing residential properties and is within the immediate vicinity of existing bus routes, schools, local shops and other services. The proposal would contribute to the social role of sustainable development by providing 9 new dwellings towards the housing supply within the Borough. The construction of the development and its future ongoing occupation would contribute to the economic role of sustainable development by supporting the local economy both during construction and by the use of local facilities by future residents. Whilst matters relating to design, appearance and landscaping would be considered at the reserved matters stage, it is envisaged that a suitable scheme would be able to address any potential impacts upon the natural and built

environment. The principle of residential development of the site at this outline stage is considered to be sustainable and therefore acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

#### Impact upon the character of the area

- 8.5. Policy 16 of the Core Strategy requires new residential development proposals to meet a minimum net density of at least 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton.
- 8.6. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.7. The site is identified within the Burbage Village Design Statement within Zone 3: Rugby Road to Western Settlement Boundary. Rugby Road is noted to be one of the main arteries into Burbage and Hinckley, and is described to be particularly picturesque. However, the weight afforded to this document is limited.
- 8.8. The proposed layout shows that Plot 1 would be set back from Rugby Road, in line with the existing neighbouring property to the north of the site, No. 6 The Ridgeway. This is considered to be in keeping with the surrounding grass verges along Rugby Road and thus maintaining the open character of the area. Although the proposal will result in an increase in the number of dwellings on the site, the proposed linear siting of the plots will mean that the views of Plots 2 – 9 from Rugby Road will be limited. Further, the linear siting of the plots would be in keeping with surrounding neighbouring properties to the site, and thus would be in keeping with the character of the area in this regard.
- 8.9. Objections have been received stating that the proposed scheme would be overdevelopment of the site. The site measures approximately 0.52 hectares, and proposes the erection of 9 dwellings. This is well within the minimum net density specified within Policy 16 of the Core Strategy. The proposed revised layout demonstrates that, in appearance, the overall density of the site would be similar to that of the adjacent residential development on The Ridgeway and Lupin Close. The layout indicates that the individual plot sizes would vary within the site and this would reflect the general nature of neighbouring plot sizes.
- 8.10. Objections have been raised in relation to the development being out of keeping with the other residential properties within the area, notably the existing bungalows along the southern boundary of the site. The indicative plans submitted suggest a mix of two storey and two and a half storey dwellings, and one bungalow. The bungalow on Plot 6 is confirmed through this application as it is indicated on the proposed layout plan which is being formally considered. However, all other house types are indicative only, and final details will be secured at the subsequent reserved matters application. It is considered that the mix of housing would not be out of keeping with the character of the area in this respect, given the variety of house types along Rugby Road itself, and the mix of neighbouring properties bounding the site.

- 8.11. Therefore, subject to design, scale and landscaping being considered at the reserved matters stage, the current outline proposal is in accordance with Policy DM10 of the SADMP and paragraphs 56 and 58 of the NPPF in respect of design and impact on the character of the area.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.13. Objections have been raised in relation to the development resulting in adverse overlooking, overbearing and overshadowing impacts to neighbouring properties.
- 8.14. The proposed layout demonstrates that, subject to design and appropriate positioning of windows (which would be assessed at reserved matters stage), a residential development of 9 new dwellings would enable adequate separation distances to be achieved to the windows and gardens of neighbouring properties such that it would not result in any significant overbearing impacts, overshadowing or loss of privacy from overlooking. The proposed separation distances, between proposed windows and site boundaries, vary between approximately 9 metres up to a maximum of approximately 21 metres. The minimum distance relating to the windows on a proposed single storey property.
- 8.15. Further, in relation to the positioning of the garage to serve Plot 9, subject to design to be secured at reserved matters stage, given the nature of the building proposed, it is not considered that the siting of the garage would result in any adverse impacts to neighbouring properties.
- 8.16. Concerns have been raised in relation to the noise, fumes and light pollution resulting from the development. Environmental Health (Pollution) has raised no objections to the application, but has recommended conditions in relation to the construction phase of the development to safeguard the amenity of the surrounding residential properties. These conditions are appropriate and could be attached to any permission granted. In relation to the noise, fumes and light pollution resulting from the use of the development itself, it is not considered that these would be significantly different from the existing residential properties and roads in the area, and therefore would not result in any adverse impacts on neighbouring properties.
- 8.17. Therefore, subject to design, scale and landscaping being considered with the subsequent reserved matters application, the proposal is in accordance with Policy DM10 of the SADMP and paragraph 17 of the NPPF in respect of impact on residential amenity.

Impact upon Highway Safety

- 8.18. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.19. There is an existing access located to the south-west corner of the site frontage. This currently serves Sketchley Hill House.

- 8.20. The proposed layout demonstrates that the proposed dwellings could be provided with adequate access from the public highway and a minimum of two off-street parking spaces to serve each plot. This level of provision within a sustainable urban area with access to alternative means of transport would be satisfactory to serve the proposed dwellings.
- 8.21. Concerns have been raised by councillors in relation to the impact of the development on highway safety; in particular, the impact upon pedestrians and cyclists utilising Rugby Road. Objections have also been received concerning the intensification of the use of Rugby Road. The main concern is the siting of the proposed access to serve the development, in that it would potentially result in complex vehicle movements that would pose a danger to cyclists and pedestrians crossing the roads within the immediate vicinity. LCC (Highways) have raised no objection in principle to the proposed access to the development, and following discussions, have confirmed that any vehicle movements generated would be similar to existing junctions along the road. Further, given the residential nature of the area, it is not considered that vehicle movements generated between the proposed development and Aldridge Road would be significant, and therefore, would not result in a crossroad-like junction.
- 8.22. There has been a suggestion to secure a pedestrian crossing in conjunction with this development, to serve pedestrian flows from Aldridge Close to Lupin Close. However, LCC have concluded that the pedestrian flows generated by the development would not be significant, and in any case, future residents of the site would be unlikely to cross over to Aldridge Close. Further, this location has not been identified by LCC as part of the Zone 2 walking/cycling improvement works carried out along Rugby Road. Therefore, it would be neither reasonable nor justifiable to secure a pedestrian crossing to serve the proposed development.
- 8.23. Concerns have also been raised in relation to how the proposed development would tie-in with the existing 3 metre wide footway/cycleway to the front of the site, which is part of LCC's Zone 2 walking/cycling improvement works. In previous comments submitted, LCC have recommended to secure this via condition. Tie-in points are also indicated on the site layout plan.
- 8.24. Suggestions of altering the point of access for the site to join The Ridgeway as opposed to Rugby Road have also been discussed with LCC. It was considered that locating the access off The Ridgeway would result in the creation of a crossroad-like junction, and thus would result in more complex vehicle movements that would pose a danger to both pedestrians and vehicle-users.
- 8.25. Following these discussions, the most recent site layout plan (Drg no. 4642/M) has been submitted to LCC for their updated comments on the scheme, and are awaited. A further update will be provided to committee through late items.

#### Trees and Ecology

- 8.26. The layout indicates the existing trees that are proposed to be retained and removed within the site. The Council's Tree Officer has raised no objections to the revised scheme. Further landscaping details would be determined at reserved matters stage. The trees proposed to be retained to the site entrance and along the north-west corner of the site will provide significant screening for the proposed development, and would reduce the visibility and impact of the proposed built form within the area, in keeping with the grass verges and existing large trees along Rugby Road. The local planning authority are currently in the process of making a

further Tree Preservation Order to ensure the retention of the site trees that are not currently protected, which are indicated to be retained within this application.

- 8.27. In relation to the concerns raised for the existing wildlife on site, no objections have been received from LCC (Ecology). A bat survey has been submitted as part of the application, however, no evidence of bats was noted and the existing building was of low potential. No bats were seen emerging during the survey in the optimal season. Further, there are no other habitats of significance on site. Therefore, it is considered that the proposal would have no adverse impacts on any wildlife on site.

#### Drainage

- 8.28. No objections have been received from Environmental Services (Drainage) subject to a recommended condition to secure a drainage scheme for the site prior to commencement of development. An appropriate condition could be attached to any permission granted.

#### Developer contributions

- 8.29. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require new residential development to contribute towards Green Space and Play Provision. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm. In light of the guidance in the NPPG, given that the development comprises of 9 dwellings, a contribution towards play and open space provision is not being sought.

#### Other matters

- 8.30. Burbage Parish Council is in the process of producing a Neighbourhood Plan. However, the Plan is still in its early stages of production, and has yet to be consulted on by the public. Therefore at this stage minimal weight can be afforded to this emerging Neighbourhood Plan.
- 8.31. Concerns have been raised regarding speeding down Rugby Road. This is not considered to be an issue that can be dealt with through this application.
- 8.32. Comments received stating that there are discrepancies with the submitted plans. Revised plans have been submitted since this comment was received, and no further issues have been raised.
- 8.33. In relation to the comments stating that the development would decrease the value of properties in the area, this is not a planning consideration that can be taken into account in the determination of this application.
- 8.34. In relation to the concerns raised in relation to the boundary treatments for the site, these can be considered through the submission of reserved matters should this outline application be approved. Members of the public will be given the opportunity to view and comment on those submissions when they are received.
- 8.35. With regard to capacity issues with the existing infrastructure within the area, this cannot be given weight in the determination of this application as the level of development proposed is below the threshold set out in planning guidance for which infrastructure contributions should be sought.

- 8.36. In regard to concerns raised regarding the maintenance of the areas of open space, the developer will provide more information at a later date. Committee will be updated on this matter through late items.

## 9. Equality implications

- 9.1 Section 149 of the Equalities 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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.

## 10. Conclusion

- 10.1. The application site is in a highly sustainable urban location within a reasonable distance of services and facilities located within both Burbage and Hinckley. The proposed layout for the scheme for 9 new dwellings would complement the character of the area and would not result in any significant adverse impacts on the privacy or amenity of neighbouring properties, subject to the consideration of further details that will form part of any subsequent reserved matters application. The proposed development would therefore be in accordance with Policy 4 of the adopted Core Strategy, Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

## 11. Recommendation

- 11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

### 11.2. **Conditions and Reasons**

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:



- a) The scale of each building proposed in relation to its surroundings.
- b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- c) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. Development shall not begin until surface water drainage details (including calculations), incorporating sustainable drainage principles (SuDS) and an assessment of the hydrological and hydrogeological context of the development have been submitted in writing to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with satisfactory means drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

6. No development shall commence until a Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.

**Reason:** To minimise the risk of pollution and in the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

7. No waste materials shall be burnt on site at any time during construction phase.

**Reason:** To minimise the risk of pollution and in the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

8. Construction shall be limited to the following hours: Monday – Friday 07:30 – 18:00, Saturdays 08:00 – 13:00, and no working on Sundays or Bank Holidays.

**Reason:** In the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

9. No development shall commence until existing trees, identified to be retained in the approved layout, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and are of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained through out the duration of building and engineering works in the vicinity of the trees to be protected.

**Reason:** The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

10. Prior to the occupation of the first dwelling, the applicant shall at no expense to the Highway Authority carry out off-site highway works being the widening of the footway on Rugby Road as the frontage of the site to provide a footway/cycleway with a minimum width of 3 metres. The works shall be carried out to a specification provided by and to the satisfaction of the Infrastructure Planning Team at the Highway Authority.

**Reason:** In the interests of the safety of pedestrians and cyclists, to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. No development shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.

**Reason:** In the interests of protecting the visual amenity the area, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Developer contributions are not being sought for this application, on the basis that the development is for 9 dwellings. As stated within the NPPG,

tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm.

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Planning Committee 6 December 2016  
Report of the Chief Planning and Development Officer



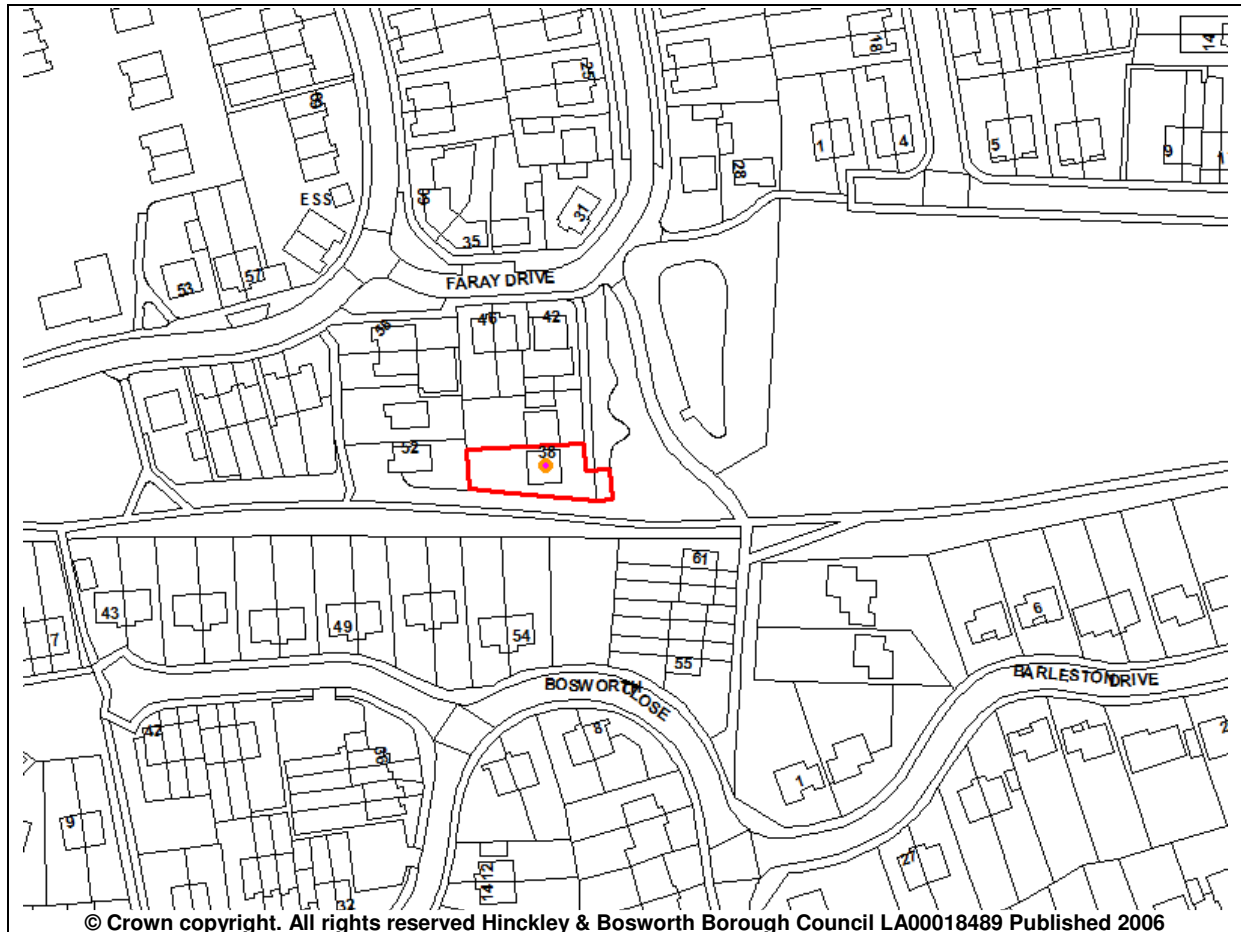
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 16/00636/HOU  
Applicant: Mr & Mrs Mark Hull  
Ward: Hinckley Clarendon

Site: 38 Faray Drive Hinckley

Proposal: Two storey rear extension



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for a two storey rear extension at 38 Faray Drive. The proposal would result in the addition of one bedroom resulting in a 4 bedroomed detached property.
- 2.2. This application was originally considered at Planning Committee on 11 October 2016 where Members resolved to defer consideration to allow a site visit to take place. The application was subsequently reported to Planning Committee on 8 November 2016 and was deferred to allow officers to seek to negotiate amended plans to modify the design of the roof and reduce the impact on adjacent local

residents. As a result, amended plans have been received introducing a hipped roof to the rear gable elevation.

### **3. Description of the Site and Surrounding Area**

3.1. The application property is a two storey detached dwelling located in a residential estate adjacent similarly designed two-storey detached properties. The application site is located within the settlement boundary of Hinckley.

3.2. The application site is the last dwelling on the row of properties projecting away from Faray Drive. The property is set off the boundary with no. 40 Faray Drive by approximately 1.3 metres. To the south is a wide open space with a footpath and the rear gardens of the properties on Bosworth Close are situated approximately 11 metres away. To the front is a large open space.

### **4. Relevant Planning History**

None relevant.

### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. 10 letters of representation were received from seven different addresses raising the following concerns:-

- 1) Impact upon privacy
- 2) Loss of light
- 3) Overbearing
- 4) Out of character with existing properties
- 5) Impact upon noise
- 6) Potential impact from the loft
- 7) Impact upon parking
- 8) Loss of view
- 9) Loss of neighbouring property values
- 10) Setting of a precedent within the area

5.3. Additional consultation took place as a result of the amended plans. During the consultation, three letters of representation were received from three different addresses raising the same concerns as previously as well as the following:-

- 1) Use of technical guidance and making planning decisions
- 2) Potential impact from the loft

### **6. Consultation**

6.1. No comments received from West Clarendon Neighbourhood Forum.

### **7. Policy**

7.1. Core Strategy

- None Relevant

7.2. Site Allocations and Development Management Policies DPD

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway

#### Assessment against strategic planning policies

8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that it is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD and the Core Strategy (2009).

8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that development proposals that accord with the development plan should be approved without delay unless materials considerations indicate otherwise.

8.4. The proposal is located within the settlement boundary for Hinckley, which is a sub regional centre and the principle of a house extension is considered acceptable, subject to all other material planning considerations being acceptable.

#### Impact upon the character of the area

8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is contended that the development proposed by this application would meet the aims and requirements of the above for the reasons given below.

8.6. The proposed two storey extension would be set down from the existing roofline by approximately 0.5 metres and would match the pitched roof of the existing dwelling. The proposal would have a step back nature and would therefore not appear dominant or out of character with the host dwelling and would appear subordinate and subservient to the main dwelling. The proposed materials would match the existing and the proposed window detailing would be similar to the existing.

8.7. The application dwelling is a two storey detached property located adjacent to similarly designed two storey detached properties. The proposed two storey rear extension would project approximately 3.3 metres from the existing rear elevation with a width of approximately 5.68 metres whilst the section closest to no 40 Faray Drive would project out by approximately 2 metres with a width of approximately 1.6 metres. The proposal would extend the width of the dwelling with a hipped elevation at first floor and a mono pitch roof at ground floor. The proposal would not be visible from the street scene of Faray Drive. It would be visible from the footpath to the south of the property and the rear gardens of Kinross Way. It is not considered that this would be detrimental to the character of the area due to the subordinate design of the extension. Therefore the proposal would not have any significant adverse impact upon the character of the street scene or the area.

- 8.8. Three velux roof lights are proposed to the front of the property, which could be installed under permitted development rights, and an additional two velux windows are proposed to either side of the roof to the rear extension. The proposed roof lights would not unduly change the character of the dwelling or the surrounding area and are considered acceptable.
- 8.9. Concerns have arisen regarding the impact the proposal would have on the nine properties located in the immediate area. However due to the subordinate nature, minor projection and step back of the extension, the proposal would not impact upon the character of the street scene, host dwelling or the character of the nine properties located in the immediate area.
- 8.10. Overall the proposal is considered to complement the character of the existing dwelling and street scene in accordance with Policy DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.12. No. 40 Faray Drive is a two storey detached property located on the boundary with the application property with a large single storey rear conservatory.
- 8.13. The application property is set level with no. 40 but is set off the common boundary by approximately 1.27 metres. The proposed extension would project approximately 2 metres from the existing rear elevation with a step in of approximately 1.6 metres to the gable elevation which projects 3.3 metres from the existing rear elevation.
- 8.14. Therefore due to the set off distance from the boundary, the step in of 2 metres at first floor level and the mix of dual pitched hipped roof and mono pitched roof, the proposal would not have any significant adverse impact upon the residential amenity of no. 40 in respect of loss of light or overbearing impacts.
- 8.15. Further to this, a new window is located on the side elevation facing towards no. 40 but as a result of amended plans, the window has been moved to the centre of the side elevation to address potential privacy impacts.
- 8.16. The one window proposed on the rear elevation would be a high level window and the other would be obscure glazed and top hung. There would therefore be no significant adverse impact upon residential amenity in respect of loss of privacy to no. 40. The velux window to this side elevation will be conditioned to have a cil height of 1.7m to address any significant privacy or overlooking impact to the rear garden of no. 40.
- 8.17. No. 52 Kinross Way is a two storey detached property located to the rear of the application property.
- 8.18. The proposed extension would be set approximately 8.85 metres from the rear boundary of no. 52 Kinross Way and would be set approximately 17 metres from the rear elevation of no. 52.
- 8.19. The proposed extension would be set far enough from no. 52 so as to not impact significantly with regard to loss of light or overbearing impacts. The proposed rear elevation would also have a high level window serving bedroom 1 and would not therefore result in any overlooking impacts to no. 52.



- 8.20. The proposed bathroom window would be obscure glazed and top hung only to prevent any impacts upon privacy, with a condition attached to protect impacts from overlooking.
- 8.21. The proposed amendments which incorporate a hipped roof to the extension of the property would help alleviate any overbearing impacts to the adjacent properties to the side and to the rear of the application site.
- 8.22. As a result of the siting and design of the proposal, and the location of adjacent properties, there would be no significant adverse impact upon the residential amenity of any adjacent properties.
- 8.23. Taking all of the above into account it is considered that the proposal complies with Policy DM10 of the SADMP.

#### Impact upon Highway Safety

- 8.24. Policy DM18 of the SADMP state that proposals should provide an appropriate level of parking provision. Leicestershire County Council's 6Cs Design Guide states that dwellings with four or more bedrooms should provide three off street parking spaces.
- 8.25. The proposal would result in one additional bedroom. The property has three off street parking spaces, including a detached garage and would result in an acceptable parking provision in accordance with Policy DM18 of the SADMP and the 6C's Design Guide.

#### Other Issues

- 8.26. Concerns have arisen regarding the impact the proposal would have on neighbouring property values and the loss of view from neighbouring properties. However these are not material planning considerations.
- 8.27. Concerns have also arisen regarding the proposal setting a precedent within the area. However each application is determined on a case by case basis and it is not considered that this proposal will create an issue of precedent.
- 8.28. Concerns have also arisen regarding the use of the technical document – Supplementary Planning Guidance (SPG) on House Extensions.
- 8.29. The SADMP was adopted mid July and the Local Plan document (2001) was fully replaced. As a result of the adoption of the SADMP, the SPG on House Extensions was removed as it was based on the superseded documents in the Local Plan (2001).
- 8.30. However Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and proposals should not adversely affect the occupiers of the neighbouring properties.

## **9. Equality Implications**

- 9.1. Section 149 of the Equalities 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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

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

## **10. Conclusion**

10.1. The proposal is located within the settlement boundary for Hinckley and there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

10.2. The proposal would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not significantly affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy DM1, DM10 and DM18 of the SADMP and is recommended for approval subject to conditions.

## **11. Recommendation**

11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. **Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 51 of 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: Proposed Extension to the rear of the detached house drg. no. 1305/REV-C (scale 1:100 and 1:50) and Proposed Block Plan drg. no. 1305/BP (scale 1:500) received by the Local Planning Authority on 10 November 2016.

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. As shown on approved plan, Proposed Extension to the rear of the detached house (Drawing Number: 1305/REV-C), the high level window shown within the proposed rear elevation shall be constructed a minimum of 1.7 metres above the floor of the room within which the window is installed.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. As shown on approved plan, Proposed Extension to the rear of the detached house (Drawing Number: 1305/REV-C), the roof light window within the Proposed north facing elevation shall be constructed a minimum of 1.7 metres above the floor of the room which the window is installed.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

6. The bathroom window to the rear elevation shall be fitted with obscure glazing to level 3 of the Pilkington Scale or above and shall be top hung only and shall thereafter be permanently retained in this approved form.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 25.11.16

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	RWE	16/00835/OUT (PINS Ref 3163760)	WR	Mr & Mrs Valney & Tracy Hunter 2 Delaware Road Leicester LE5 6LG	62 Forresters Road Burbage Hinckley (Erection of a detached dwelling (Outline - access only))	Awaiting Start Date	
	RWE	16/00505/FUL (PINS Ref 3163336)	WR	Mr Nigel Osbourne Kirkby Lane Peckleton Leicester	Peckleton House Farm Land North Of Kirkby Lane Peckleton (Erection of one dwelling)	Awaiting Start Date	
16/00035/PP	RWR	15/00536/OUT (PINS Ref 3159043)	WR	Mrs Lynette Fallows Highfield Farm, No Mans Heath Road Chilcote Swadlincote	8 Wood Lane Norton Juxta Twycross Atherstone (Erection of 3 dwellings (outline - access and layout) (revised scheme))	Start Date Statement of Case Final Comments	17.11.16 22.12.16 05.01.17
	RWR	16/00113/COU (PINS Ref 3157918)	IH	Mr Fred Price c/o Agent	Land Adj. Hissar House Farm Leicester Road Hinckley LE9 8BB (Change of use of land for gypsy/traveller site for the provision of two static caravans, one touring caravan, erection of two amenity buildings and associated infrastructure)	Awaiting Start Date	
16/00031/PP	SP	16/00202/FUL (PINS Ref 3157729)	WR	Ms Sue Johnson 3 Markfield Lane Botcheston Leicester LE9 9FH	Polebrook Hayes Farm 3 Markfield Lane Botcheston (Change of use and extension of agricultural building to form an agricultural workers dwelling and erection of agricultural building (resubmission))	Start Date Awaiting Decision	30.09.16

16/00032/PP	CA	16/00362/OUT (PINS Ref 3159649)	WR	Mr Ian Holdaway Mancetter Farm Quarry Lane Mancetter Warwickshire CV9 1HL	Land South West Of Chamwood House Thornton Lane Markfield Leicestershire (Erection of 4 dwellings (outline - access only))	Start Date Awaiting Decision	07.10.16
16/00027/TREE	AC	16/00487/TPO (PINS Ref 5421)	IH	Adam Powell 38 The Limes Ravenstone Coalville LE67 2NW	1A Everards Way Stanton Under Bardon Markfield LE67 9TH (Fell and replace laburnum (T1) and silver birch (T2), crown lift silver birch (T3) and fell rowan (T5))	Start Date Awaiting Decision	23.08.16
16/00029/PP	RWE	16/00339/FUL (PINS Ref 3156193)	WR	Mr Paul Batson The Breson Partnership Keats Lane Earl Shilton LE9 7DR	9 Equity Road East Earl Shilton (Erection of 2 no. dormer bungalows with 2 no. detached garages)	Start Date Awaiting Decision	13.09.16
16/00030/PP	SF	16/00386/FUL (PINS Ref 3156057)	WR	Mr Nigel Salt NP Salt Builders Ltd c/o Agent	Cadeby Hall Main Street Cadeby (Erection of two detached dwellings (revised scheme))	Start Date Awaiting Decision	13.09.16
16/00028/PP	RWR	16/00178/FUL (PINS Ref 3153867)	WR	Mr Shaun Hussey Dash Homes (Midlands) Ltd C/o Agent	Land To The Rear Of 25 & 27 Burbage Road Burbage (Subdivision of rear gardens of No's. 25, 27 and 29 and erection of four dwellings and erection of single garages for No's. 25 & 27)	Start Date Awaiting Decision	31.08.16
16/00022/ENF	CA	15/00119/UNBLDS (PINS Ref 3152517)	WR	Mr Graham Penney The Oaks Stapleton Lane Kirkby Mallory Leicester LE9 7QJ	The Oaks Stapleton Lane Kirkby Mallory Leicester LE9 7QJ (Extending bed and breakfast accommodation)	Start Date Awaiting Decision	12.07.16
16/00034/PP	CA	15/01243/COU (PINS Ref 3154702)	IH	Mr P Reilly and Others Good Friday Caravan Site Bagworth Road Barlestone Barlestone CV13 0QJ	Good Friday Caravan Site Bagworth Road Barlestone (Retention of five traveller pitches)	Start Date Statement of Case Final Comments Hearing Date	16.11.16 21.12.16 11.01.17 07.02.17

16/00016/HEDGE	CA	15/00816/HEDGE (PINS Ref APP/H/16/1509)	WR	Mr & Mrs Stokes	90 Forest Road Hinckley (Complaint High Hedges)	Start Date Awaiting Decision	15.04.16
16/00003/CLD	CA	15/00933/CLUE (PINS Ref 3143504)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby (Application for a Certificate of Lawful Existing Use for a dwelling)	Start Date Awaiting new Inquiry Date	12.02.16
16/00006/ENF	CA	10/00234/UNAUTH (PINS Ref 3143502)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby (Caravans present on land in contravention to the court order and enforcement action)	Start Date Awaiting new Inquiry Date	12.02.16
15/00013/PP	HW	14/01274/OUT (PINS Ref 3081119) To be conjoined with 3156239	PI	JH Hallam & Son Ltd	Land Beech Drive Thornton (Residential development of up to 49 dwellings (Outline - access))	Start Date Public Inquiry (6 days)	09.07.15 14-17 & 21 & 22.03.17
16/00026/PP	JU	16/00311/OUT (PINS Ref 3156239) To be conjoined with 3081119	PI	JH Hallam & Son Ltd	Land Beech Drive Thornton (Residential development of up to 48 dwellings (Outline - access))	Start Date Statement of Common Grd Proof of Evidence Public Inquiry (6 days)	22.08.16 14.02.17 14.02.17 14-17 & 21 & 22.03.17

### Decisions Received

### Rolling 1 April 2016 - 25 November 2016

### Planning Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
27	6	21	0	0	4	0	17	2	0	4	0	0	0

### Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
3	2	1		

