



Statement of Common Ground
Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Localism Act 2011

Outline Planning Application For The Development Of Up To 40 Dwellings, Public Open Space And Associated Infrastructure With All Matters Reserve For Subsequent Approval Other Than Access

Land West Of Workhouse Lane, Burbage
Appeal Reference: APP/XXXXX
Local Planning Authority Reference: 20/01012/OUT

Prepared By:
Simon Hawley BA (Hons) MA MRTPI
Harris Lamb | Grosvenor House | 75-76 Francis Road | Edgbaston | Birmingham B16 8SP
Telephone: 0121 455 9455 Facsimile: 0121 455 6595 E-mail: simon.hawley@harrislamb.com

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STATEMENT OF COMMON GROUND

LAND WEST OF WORKHOUSE LANE, BURBAGE

PLANNING APPEAL REFERENCE: APPXXX

LOCAL PLANNING AUTHORITY REFERENCE NUMBER: 20/01012/OUT

SIGNED BY

Simon Hawley, BA (Hons) MA – MRTPI on behalf of The Appellant

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Date.....

SIGNED BY

Xxxx on behalf of Hinkley and Bosworth Borough Council

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Date.....

CONTENTS

1.0 INTRODUCTION

2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

3.0 THE PROPOSED DEVELOPMENT

4.0 PLANNING POLICY GUIDANCE

5.0 MATTERS OF AGREEMENT

6.0 MATTERS OF DISPUTE

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1.0 INTRODUCTION

1.1 This Statement of Common Ground (**'SoCG'**) has been prepared in support of a planning appeal submitted by the Coop (**'the Appellant'**) following Hinkley and Bosworth Borough Councils (**'HBBC'**) decision to refuse planning application 20/01012/OUT. It has been prepared in accordance with the guidance set out in the Procedural Guidance: Planning Appeals England (April 2022) Annex R – Statement of Common Ground.

1.2 The SoCG records the position between the Appellant and HBBC in respect of the appeal site, the surrounding area and relevant planning policies and material planning considerations. It identifies areas of agreement and matters that are in dispute between the two parties. It is signed by Harris Lamb Planning Consultancy (**'HLPC'**) on behalf of the Appellant and XXX on behalf of HBBC. The SoCG has been prepared in order to assist the Inspector in determining the planning appeal.

1.3 The appeal has been submitted following HBBC refusing planning application 20/01012/OUT (**'the Application'**). The planning application proposes:

'Outline planning application for the development of up to 40 dwellings associated public urban space and infrastructure.'

1.4 The planning application was refused under a delegated authority. The delegated Officer's Report can be found at CD1. The Decision Notice (CD2) provides two reasons for refusal, set out below:

"1) The applicant has failed to demonstrate the principle of a safe and suitable access route can be achieved to the side between the junction of Workhouse Lane and Britannia Street and the proposed site access, contrary to requirements of policies DM17 of the SADMP and paragraph 108 of a National Planning Policy Framework.

2) The applicant has failed to agree a S.106 Agreement with the Council to ensure that the scheme makes suitable contributions to infrastructure to mitigate against the impact of the additional development on community service and facilities. The application is therefore contrary to Policy DM3 of the SADMP of Policy 19 in the Core Strategy as well as the NPPF.”

- 1.5 Refusal reason 2 can be addressed through the submission of an appropriate planning obligation. The Appellant does not contest any of the requested planning obligations, identified in paragraph 8.63 of the Delegated Officer’s Report. As such the principal difference between the two parties is refusal reason 1.
- 1.6 Appendix 1 provides a list of the planning conditions agreed between the Appellant and HBBC should the Inspector decide to grant planning permission.

2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

- 2.1 The Appeal Site comprises a broadly rectangular shaped greenfield parcel of land. It extends to approximately 2.5 hectares in size. It comprises a single agricultural field adjacent to the built up boundary of the southern edge of Burbage. The location of the Appeal Site is shown on Amended Site Location Plan 1:1250 (P1672) (CD3).
- 2.2 The site is devoid of any noticeable features. The majority of the field is grassland. There is a cluster of trees located around a pumping station and drainage pond associated with the development to the north towards the centre of the northern section of the site. Existing established trees and hedgerows lie along the site boundaries. The levels of site fall from Workhouse Lane down to the south east corner.
- 2.3 The land to the north east of the appeal site is predominantly residential in nature. The land to the south and west is predominantly in agricultural use, with Britannia Park located to the north west.
- 2.4 The Appeal Site is sustainable location for development. It is approximately 1.2km from Junction 1 of the M69 motorway, which runs to the south of Burbage and links the settlement directly to Leicester and Coventry. The nearest railway station is located within Hinckley which provides links to larger urban centres such as Birmingham and Leicester.
- 2.5 Burbage benefits from a range of local services and facilities including schools, a post office, places of worship, shops and public houses. These facilities are identified at figure 2.1 of the Design and Access Statement (Core Document 4). The services and facilities are well linked to the appeal site.
- 2.6 The appeal site falls within Flood Zone 1. It does not contain, nor is it located in the vicinity of any locally listed buildings. The site is not subject to any of a restrictive policy designations identified in Footnote 6 of the Framework, namely the SSSI, Green Belt, Local Green Space, AONB, National Parks or

defined heritage coasts, irreplaceable habitats, a designated heritage asset, an area at risk of flooding or coastal change.

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3.0 THE PROPOSED DEVELOPMENT

- 3.1 The Appeal Scheme is an outline planning application proposing the development of up to 40 dwellings and associated public open space and infrastructure. All matters other than access are reserved for subsequent approval. Access will be taken from Workhouse Lane in the north east corner of the site. A new pavement will be provided from the proposed point of access northwards along the western edge of Workhouse Lane connecting directly to the existing pavement further north.
- 3.2 The exact design, layout, appearance and landscaping of scheme will be determined at the Reserved Matters stage. They are not matters for consideration as part of this Appeal. However, an indicative masterplan was submitted with the application to demonstrate how the site could come forward for development (Drawing 3518-SK01 Rev C – Core Document 5). An amended Indicative Masterplan (3518-SK01 Rev D) was submitted to the Council (CD13).
- 3.3 Paragraph 8.45 of the Delegated Officers Reports advises that the illustrative plan *“provides a reasonable approach to the scheme that will flow through into the detailed plans submitted at the Reserved Matters stage and indicate that a suitable form of development can be brought forward in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD”*. It is agreed that the Appeal Site can recommend up to the number of dwellings proposed.

4.0 PLANNING POLICY GUIDANCE

- 4.1 A number of planning policy documents are relevant to the consideration of the appeal. These include National Planning Policy, Development Plan Policy and Supplementary Planning Documents/Guidance. A list of relevant policies set out below.

Legislative National Planning Policy

- 4.2 Relevant legislation and national planning policy comprises of:
- Town and Country Planning Act 1990
 - Planning and Compulsory Purchase Act 2004
 - Town and Country Planning (Development Management Procedures) (England) Order 2010
 - Community Infrastructure Levy Regulations 2010
 - Localism Act 2011
 - Growth and Infrastructure Act 2013
 - National Planning Policy Framework (2021)
 - Planning Practice Guidance

Development Plan

- 4.3 The development plan relevant to the appeal scheme consists of:
- The Hinkley and Bosworth Core Strategy (2009)
 - The Site Allocations and Development Management Policies DPD (2016)
 - The Burbage Neighbourhood Plan 2015 – 2026 (2021)

Hinkley and Bosworth Core Strategy

- 4.4 The Core Strategy was adopted in 2009 and covers the period 2006 to 2026. Relevant policies include:

- Policy 4 – Development in Burbage
- Policy 5 – Transport Infrastructure in the Sub Regional Centre
- Policy 15 – Affordable Housing
- Policy 16 – Housing Density, Mix and Design
- Policy 19 – Green Space and Play Provision
- Policy 20 – Green Infrastructure
- Policy 24 – Sustainable Design Technology

Site Allocations And Development Management Policies DPD

4.5 The Site Allocations and Development Management Policies DPD was adopted in 2016. It was prepared to be in conformity with the Core Strategy. It identifies sites for development and includes development management policies which would be used to assess planning applications over the plan period. Relevant policies include:

- DM1 – Presumption in Favour of Sustainable Development
- DM3 – Infrastructure Delivery
- DM4 – Safeguarding the Countryside and Settlement Separation
- DM6 – Enhancement of Bio diversity and Geological Interest
- DM7 – Preventing Pollution and Flooding
- DM10 – Development and Design
- DM11 – Protecting and Enhancing the Historic Environment
- DM13 – Preserving the Borough's Archaeology
- DM17 – Highways and Transportation
- DM18 – Vehicle Parking Standards

The Burbage Neighbourhood Plan

4.6 The Burbage Neighbourhood Plan ('BNP') was 'made' in May 2021 and now forms part of development plan for HBBC. Relevant policies include:

- Policy 1 – Settlement Boundary

- Policy 2 – Design and Layout
- Policy 6 – Ridge and Furrow Fields

The Emerging Replacement Local Plan

- 4.7 HBBC are in the process of preparing a replacement Local Plan. Regulation 19 Consultation has been completed, however, the plan is yet to be submitted to the Secretary of State for examination. Given the stage in the plan making process, and due to the fact it is the subject of unresolved objections, the emerging Local Plan can be afforded minimal weight in the decision making process.

Other Material Considerations

National Planning Policy Framework

- 4.8 The relevant sections in the Framework are:
- Section 1 – Introduction
 - Section 2 – Achieving Sustainable Development
 - Paragraph 11 – Representation in Favour of Sustainable Development
 - Section 5 – Delivering a Sufficient Supply of Homes
 - Section 8 – Promoting Healthy and Safe Communities
 - Section 11 – Making Effective Use of Land
 - Section 12 – Achieving Well Designed Places
 - Section 15 – Conserving and Enhancing the Natural Environment
 - Section 16 – Conserving and Enhancing the Historic Environment
 - Paragraph 48 – The weight to be given the policies in emerging plans
 - Paragraphs 219 and 220 – The weight to be given to policies in development plans adopted before the publication of the Framework
 - Annex 1 – Implementation

Residential Land Availability Monitoring Statement 1st April 2021 – 31st March 2022

- 4.9 The Residential Land Availability Monitoring Statement confirms HBBC's 5 year housing land supply position as of the 1st April 2022. It is based upon the most recent monitoring figures available and concludes that the Council has a 4.89 year supply of housing land. As a consequence, the 'tilted' balance referred to in paragraph 11.d of the Framework is engaged.

5.0 MATTERS OF AGREEMENT

5.1 The following matters are agreed by all parties.

Development Plan and Other Policy Matters

- Refusal reason 1 identifies a conflict with one Development Plan policy, namely DM17 of the SADMP.
- Refusal reason 2 identifies conflict with two Development Plan policies, namely policy DM3 of the SADMP and Policy 19 of the Core Strategy. This conflict can be addressed through the Appellant entering into an appropriate S.106 Agreement addressing the planning obligations identified at paragraph 8.63 of a Delegated Officer's Report (CD1).

5.2 There is no conflict with any other Development Plan policy.

5.3 The Appeal Scheme is in a location where residential development is supported, in accordance with the provision of BNP Policy 1 – Settlement Boundary. The approach taken by BNP Policy 1, in so far as it supports development located on the edge of Burbage, overrides policy DM4 which seeks to prevent residential development in these locations.

The NPPF

5.4 It is agreed that:

- Paragraph 11 (d) of the NPPF is engaged due to a 5 year housing land supply shortfall and due to the fact that the Core Strategy and SADMP are out of date in its own right. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted.

- The site is not subject to any of the restrictive area policies or assets of particular importance identified in footnote 7 of the NPPF.
- The proposed development would be 'small scale' in the context of Burbage and paragraph 69 of the NPPF.

5.5 Notwithstanding HBBC sought conflict with policies DM17 of the SADMP and, policy DM3 of the SADMP and Policy 19 of the Core Strategy, the site is locationally sustainable in terms of access to services, facilities and means of transport other than car for a residential development of a proposed scale.

Consultee Comments

5.6 There is no objection to the appeal scheme from the following consultees:

- Lead Local Flood Authority subject to conditions;
- Leicestershire County Council Minerals;
- Leicestershire County Council Ecology subject to conditions;
- Leicestershire County Council Archaeology subject to conditions;
- HBBC Affordable Housing subject to 20% affordable housing provision;
- HBBC Environmental Services Pollution subject to conditions in relation to noise impact, construction environmental management plan and land contamination;
- Leicestershire County Council Education; and
- NHS West Leicestershire CCG subject to a final contribution of £20,252.

6.0 MATTERS OF DISPUTE

6.1 The following matters of dispute between the appellant and HBBC.

- It is the Appellant's view that a safe and convenient access can be created to the site. It is HBBC's view that a safe and suitable access route cannot be achieved/ has not been demonstrated and there would be an unacceptable impact on highways safety.

Appendix 1 – Proposed Draft Conditions

To be completed by HBBC

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COMMERCIAL PROPERTY ADVICE



**BUILDING
CONSULTANCY**



**COMMERCIAL
INDUSTRIAL AGENCY**



**CORPORATE
SUPPORT**



**DEVELOPMENT AND
RESIDENTIAL LAND**



**ENVIRONMENTAL
CONSULTANCY**



INVESTMENT



**LEASE
ADVISORY**



**LICENSED AND
LEISURE**



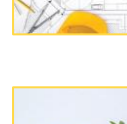
PLANNING



**PROPERTY
MANAGEMENT**



RATING



**RECEIVERSHIP
AND RECOVERIES**



**RETAIL, LEISURE
AND ROADSIDE**



VALUATION