

PLANNING COMMITTEE – 4th March 2014

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) RE: APPEALS LODGED AND DETERMINED



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Wards affected – Barlestone, Burbage

1. PURPOSE OF REPORT

To inform Members of appeals lodged and determined since the last report.

2. RECOMMENDATION

That the report be noted.

3. BACKGROUND TO THE REPORT

Appeals Lodged

- 3.1 **Appeal by Alexander Bruce Estates Ltd.** against refusal for the erection of 49 dwellings, landscaped public open space and creation of a formal wetland habitat with access at land off Spinney Drive and south of Brookside, Barlestone.

Amended Format: Public Inquiry – (3 days) dates to be confirmed.

Appeals Determined

- 3.2 **Appeal by Bellway Homes** against the refusal to grant planning permission for the demolition of an existing residential dwelling and erection of 35 residential units, associated highway and engineering operations on land off Workhouse Lane, Burbage.

The application was refused by Members following an officer recommendation to approve on the grounds that the applicant had failed to demonstrate that there is a housing need in Burbage that justifies the development of this Greenfield site that does not reflect the spatial vision for the Borough and that the proposed scheme by virtue of its location to the south of Burbage is an unsustainable location outside the settlement boundary of Burbage within the countryside contrary to Policy 4 of the adopted Core Strategy.

The Inspector considered the main issues of the appeal to be the effect that the development would have on landscape character and on the setting of Burbage and whether the adverse impacts of allowing the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

In the view of the Inspector the protection and preservation accorded to the landscape to the east of Burbage under Policy 4 of the Core Strategy does not apply to the appeal site which abuts the southern edge of the village. The site is not protected by any special landscape designation but forms part of the open (undeveloped) area of land extending to the M69. The built up edge

of Burbage has recently been extended southwards by residential development off Britannia Road. The development would no more extend towards the M69 than the schemes already granted planning permission and the remaining length of Workhouse Lane would retain its rural character. While the development would lead to a loss of open land its impact on the wider landscaper would be limited due to the site's containment on three sides and the relationship of Burbage and the countryside beyond would be largely maintained by virtue of the remaining area between the motorway and the developments.

In balancing any landscape harm against the potential benefits of the scheme the Inspector considered that the principle advantage is the contribution towards addressing the under-delivery in the Borough's housing supply and meeting numbers in Policy 4 of the Core Strategy, particularly as the lack of brownfield sites means that recourse to greenfield sites is inevitable.

The Inspector considered that the site is easily accessible to a range of local services and facilities by means other than private vehicles and that the layout, scale and design generally were acceptable and concerns regarding poor relationship to existing dwellings are unfounded.

The mix of size and tenure, including 7 affordable houses for which there is a demand, would diversify the housing stock in the village. The proposal would trigger the new Homes Bonus payment to the Borough and County Councils. The development would contribute to the economic and social dimensions of sustainability and whilst some harm to the areas landscape character and to Burbage's setting would occur, the scale of environmental harm would not be so extensive as to override the clear planning benefits. The NPPF presumption in favour of sustainable development applies.

Adequate off-street parking exists for existing dwellings in the vicinity and the development would not have any adverse impact on highway of pedestrian safety from excessive traffic generation.

Developer contributions towards local infrastructure and affordable homes are necessary, directly related to the development and reasonably related to its scale and kind and secured through the planning obligation.

Conclusion

The Inspector concluded that the proposed development would cause some harm to local landscape quality through loss of part of the undeveloped land separating Burbage from the M69 and therefore would not fully comply with the relevant parts of Policy 4 of the Core Strategy and the aims of Local Plan Policy NE5. However, the landscape harm would be limited and not so weighty as to significantly and demonstrably override the benefits of allowing what would be a sustainable form of development.

Conditions have been imposed to require the submission of details of off-site highway works, a construction method statement, surface water drainage scheme, the Code for Sustainable Homes, landscaping, archaeology, deposition of construction materials and ground and finished floor levels.

APPEAL ALLOWED

An application for full award of costs has been submitted by the appellant the outcome of which is awaited. The costs decision will be reported at a later date when received.

4. FINANCIAL IMPLICATIONS [SJE]

The Council currently has a total net budget for the administration of appeals for 2013/14 of £184,890. The budget for 2014/15 is £107,420, with a specific budget of £28,280 for legal costs.

No costs have been awarded for the cases noted above at this time, and so therefore, there are no financial implications arising directly from this report.

If costs are awarded in 2013/14, a supplementary budget request will be required to fund these costs as the legal budget is already committed to fund previous appeals.

5. LEGAL IMPLICATIONS [MR]

None

6. CORPORATE PLAN IMPLICATIONS

This document contributes to Strategic Aim 1 of the Corporate Plan

- Creating a vibrant place to work and live.

7. CONSULTATION

None

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None	None	

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

This report is for information purposes only to draw member's attention to recent appeals lodged with the Authority and appeal decisions issued by the

Planning Inspectorate. As this report is not seeking a decision it is envisaged that there are no equality or rural implications arising as a direct result of this report.

10. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

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|---------------------------------|------------------------------|
| - Community Safety implications | None relating to this report |
| - Environmental implications | None relating to this report |
| - ICT implications | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications | None relating to this report |
| - Voluntary Sector | None relating to this report |

Contact Officer: Richard Wright (ext. 5894)