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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 06 December 2017

To: **Members of the Planning Committee**

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

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 5 DECEMBER 2017** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Officer

SUPPLEMENTARY AGENDA

7. 17/00765/FUL - THE BIG PIT, LAND TO THE REAR OF 44 TO 78 ASHBY ROAD, ASHBY ROAD, HINCKLEY

Application for erection of 60 dwellings including engineering infill operation and associated works.

Late items:

Introduction:-

Additional consultation response has been received.

Additional information is provided on the long term maintenance of the reinstated watercourse and the compensatory flood storage area.

Consultations:-

Leicestershire County Council (Developer Contributions) – concern has been raised that contributions requested by the county council are not being sought. Clarity is requested as to how a contribution can be sought for off-site sports provision and maintenance but not education and how each of the infrastructure requirements was prioritised for a contribution.

Appraisal:-

Developer contributions and viability

Paragraph 8.63 of the officer's committee report identifies that in order to be compliant with Policy 19 of the Core Strategy, a contribution of £62,115.94 should be sought. In the subsequent section of the report, it is clarified at paragraph 8.83 that the proposed development would fail to provide the off-site infrastructure contributions sought; this is inclusive of the off-site sports provision. As the scheme is unviable and there would be no off-site S106 contributions, there has been no need for the prioritising of contributions sought by the requesting parties.

The officer's committee report at paragraph 8.64 identifies that the significant public benefit of the delivery of 60 affordable outweighs the harm caused by not providing contributions towards the requested infrastructure requirements. This assessment and conclusion is still considered accurate and therefore there is no change to the recommendation.

Maintenance of the drainage system

Following the committee site visit, clarity is sought on the long term maintenance of the reinstated watercourse and compensatory flood storage area. It is not possible for the Borough Council to calculate an accurate contribution towards the long term maintenance of the sustainable urban drainage features on-site which would allow them to request a right to adopt the space following the works. Therefore, the Borough Council will not seek to adopt the feature and an associated maintenance contribution is not sought. In addition condition 20 of the officer's committee report requires the submission of details in relation to the long term maintenance of the sustainable surface water drainage system. The submitted details would need to be approved by the local planning authority and

implemented in perpetuity by a management company appointed, and paid for, by the applicants/owners. However, to enable easier enforcement of the approved maintenance scheme, it is considered reasonable and necessary to secure the maintenance scheme through a S106 agreement.

Recommendation:- Grant planning permission subject to

- **The prior completion of a S106 agreement to secure the following obligations:**
 - **100% affordable housing**
 - **Play and open space plan and maintenance scheme**
 - **Sustainable surface water drainage system maintenance scheme**
- **Planning conditions outlined at the end of the officer's committee report.**

9. 17/00776/FUL - 7 HUNTERS WALK, WITHERLEY, ATHERSTONE

Application for erection of timber post and wire fence adjacent to Kennel Lane (resubmission of 17/00310/FUL).

Late items:

Introduction:-

Additional information has been provided by the applicant in way of the reason for the application including a statutory declaration from the occupier of No. 8 Hunters Walk. The following which has been provided from the applicant is to address concerns raised by Witherley Parish Council.

Concern that this application could serve as a precedent for future loss of public amenity space – The application site is a highways ditch owned by residents of Hunters Walk. For over 25 years it was proactively managed by the residents to maintain a thick impenetrable barrier. The flat roadside grass verge at the top of the ditch slope has been left clear to allow for a future footpath.

Security concerns within the immediate area as part of the rationale for the application - A Statutory Declaration from No.8 Hunters Walk has been submitted which confirms that it is the professional opinion of the local police beat officer that such a hedge will help the security issues related to this area. The Police Crime Map website shows that in 2017 to date there have been 2 reported incidents in Hunters Walk and 15 incidents in the wider area. This part of the village contains approximately 25% of the village houses and has experienced 54% of the reported crime in the village this year.

Highway concerns which have formed part of the rationale for the application - The Parish Council have suggested that the average speed along this stretch of Kennel Lane is 26 mph and then in subsequent evidence indicated that in fact the recorded 85%-percentile speeds were significantly over the 30-mph speed limit. Published Government traffic research shows that reducing the perceived width of verge by vegetation, as proposed in this application, would reduce traffic speeds.

Concerns regarding future maintenance of ditch and resultant impact on its role as storm run soak away area - LCC Highways and HBBC Drainage have not raised this as a problem. Responsibility for maintaining the ditch will revert to the landowners.

Encroachment on public space for the benefit of private landowners - The land is not a public space. For over 25 years it has been covered by a thick belt of trees and shrubs on the ditch bank. It is in private ownership and the proposed ditch regrowth will improve the security of this area of the village.

Highways status is not a land ownership status. Having planning permission for the parcel of land allows the applicant to then formally apply for the land to be removed from highways status using Section 247 of the Town and Country Planning Act. The land would then become non-highways status but would still continue to receive surface water runoff from the highway.

Consultations:-

One consultation response has been received from Leicestershire County Council Highways stating the following:

- the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF, as outlined in this report.
- after internal consultation the LHA (Local Highways Authority) can state that a post and timber rail fence would be preferred, and asks that the LPA consider applying a planning condition to this effect should the LPA be mindful to approve the application.
- the process for the extinguishment of highway rights and the key principles that are relevant to the above assessment

No further consultation responses received from any neighbouring properties.

Appraisal:-

A number of the points raised by the applicant to overcome the objections from Witherley Parish Council are not material planning considerations.

Notwithstanding this and given the consultation response from LCC Highways and the further information provided from the applicant, it is not considered that the proposed timber post and wire fence would result in any harm to highway safety or result in an adverse impact upon the character and appearance of the area.

It is not considered necessary to recommend a condition in respect of the comments raised by LCC as the application, if approved, would be carried out in accordance with the submitted details.

Recommendation:- Approval