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Hinckley & Bosworth
Borough Council

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

Date: 12 December 2023

To: Members of the Planning Committee

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr CE Green
Cllr CM Allen	Cllr E Hollick
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr H Smith
Cllr MA Cook	Cllr BR Walker
Cllr DS Cope	Cllr A Weightman
Cllr REH Flemming	

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, 12 DECEMBER 2023** at **6.30 pm**.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 12 DECEMBER 2023

SUPPLEMENTARY AGENDA

8. 22/01190/OUT - LAND EAST OF KENNEL LANE, WITHERLEY

Outline planning application for up to 50 residential dwellings with access.

Late items received after preparation of agenda:

Consultations:-

Following the publication of the report it comments were received from Witherley Parish Council, please see the comments below;

1. The site is not included within WPC NDP site allocations (currently at Regulation 19)
2. The site was recently excluded from HBBC local plan site allocations.
3. There would be a significant impact on the Kennel Lane / A5 junction. Therefore without more substantial junction/road improvement works the safety of the junction will be compromised on what is a primary junction on a major road.
4. The current application has seriously underestimated the traffic impact that a 50 house development would have on Kennel lane. The number of vehicles entering the village from the A5 in November 2022 was 38878, the impact of a further 50 dwellings would have an adverse impact upon the general safety of Kennel Lane.
5. Policy 12 of the core strategy supports new housing within the Witherley settlement boundary to improve the mix of housing types and tenure to meet the identified need of the settlement. This site lies outside of the settlement boundary for the rural village. The location of the proposed housing scheme would therefore be contrary to policy 12 of the core strategy.
6. The proposed development would cause demonstrable harm to the character and appearance of the countryside and landscape. This would be contrary to policies DM4 and DM10 of the SADMP which seek to protect countryside by safeguarding the countryside from development.
7. Spatial objective 13 (transport and need to travel) of the core strategy is to reduce the high reliance on car travel in the Borough. The proposed development is not located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and is therefore contrary to policy DM4.
8. The proposed development would result in the loss of Greenfield, agricultural land and contrary to paragraph 8C of the NPPF (July 2018) which seeks to contribute to protecting and enhancing our natural, build and historic environment.
9. The proposed development would destroy the natural eastern vistas of the village which have been identified and included in the emerging NDP, see Fig 15 #12 important view.
10. The proposal would fail to compliment or enhance the intrinsic value, beauty, undeveloped rural character of the countryside and the rural setting of the village. Therefore contrary to Policy DM4.
11. The combined drainage system usage will be affected to a detrimental degree. The system is not able to cope with the existing level of water and sewerage due to the village being located at the natural basin of two rivers (Anker and Sence) converging

with Witherley Brook. The ancient pipework of pitch-fibre is collapsing by the day, regular blockages due to collapsing pipes are constantly reported to Severn Trent, which has also agreed the pumping station is completely inadequate and unable to cope when it rains. Purposely adding 50 dwellings to the mix is not sustainable and will further exacerbate the flooding. The EA has modelled for the recent proposed development of 14 houses on Chapel Lane stating that number of properties is unsustainable. 10 times that amount is laughable.

12. Applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The framework is an important material consideration and contains a presumption in favour of sustainable development. The proposed development would not be fully sustainable, the village does not have shops, doctors, senior school, industrial enterprise or adequate public transport - therefore it would only encourage further travel journeys to outside of the village.
13. The policies of the framework as a whole constitute the Governments view of what is sustainable development. There are 3 objectives in sustainable development – environmental, social, and economic. This proposal seeks to eliminate Greenfield/agricultural land, and the spend on material and jobs would be short lived.
14. The proposed development includes an additional access onto Kennel lane, the proposal lies on a blind bend close to two T junctions and falls close to a school exit, thus increasing safety concerns.

Since the publication of the report the below comments several comments have been received from Witherley Atterton Neighbours Association (WANA):

“Development in this location does not represent sustainable development because access and egress from the proposed development site to the wider network is unsafe.

Development in this location would have an inevitable negative impact upon safety for existing residents and network users and have negative impact upon the rural lanes network. Conditions proposed by the planning officer to mitigate are ill thought out. They are unsafe and most likely **unachievable**. Residents of Witherley and Atterton strongly recommend a visit by Planning Committee Members to the Kennel Lane junction in order for Councillors to be able to understand safety concerns about impacts on the existing road network and safety of existing users.

Only by visiting and using this junction can members of the Planning Committee begin to understand why the conditions proposed aimed at providing safe access to the wider network are inadequate, i.e. to widen Kennel Lane and provide a footway to connect to the A5 are:

- Unsafe
- Unachievable (due to the constraints of the designated Roman Monument) about this. We have very good reason to believe HSL have been aware of this some time.
- Where is evidence that considerations for alterations to the road network have been made in consultation with Heritage England?

- More work and investigation is necessary by the developer before the Planning Committee can even agree in principle that this is sustainable development.
- In November 2022 National Highways (previously Highways England) provided a response at the Regulation 16 consultation for the NDP. They stated ‘...we have already identified capacity issues with the A5/Kennel Lane junction. **Our stance has been not to encourage developments that will increase traffic volume using the junction without more substantial improvements works to be done**’ they went on to state ‘ there is currently no committed improvement work to the concerned junction, we anticipate to work with the Council and stakeholders on improvement schemes in the future which would enable the growth in the area’. This is significant since no improvement works have been made.

Furthermore, we are confronted with recent proposals for the network which concern development along the A5 including the MIRA development and recent proposals to alleviate danger at the junctions at Woodford Lane and Drayton Lane.

These developments have potential to simply move the danger points further along the network and will inevitably increase existing ‘rat run’ traffic (including heavy goods traffic) through the village and through the narrow Mythe Lane and narrow Atterton Lane and the wider rural lanes network.

When meeting papers are released, we find evidence Planning Officers have **ignored** safety concerns submitted by the main users of the network, i.e. us the residents, and have ignored the many pages of comments submitted by Witherley Parish Council on our residents' behalf and comments made by WPC.

WANA on behalf of residents of Witherley and Atterton urge a site visit by members of the planning committee - it is essential to understand the problems and unwise to proceed without. There must also be consultation with Heritage England about what can be achieved.

Without appropriate access and egress major development is unsustainable in this location and the application should be denied.

The development proposal cannot be judged to conform with policy because in this location the proposal does not address requirement for sustainable and active transport provision and will not reduce necessity to travel on the strategic network.

It is proposed to condition 3 measures put forward by the applicant, which have been agreed by National Highways as sufficient, to reduce travel on the strategic network.

Measure 2, requires the developer to provide a financial contribution to upgrade the Public Rights of Way between Riverside Road (Atherstone) and Mill Lane (Witherley). (The amount of contribution is unspecified).

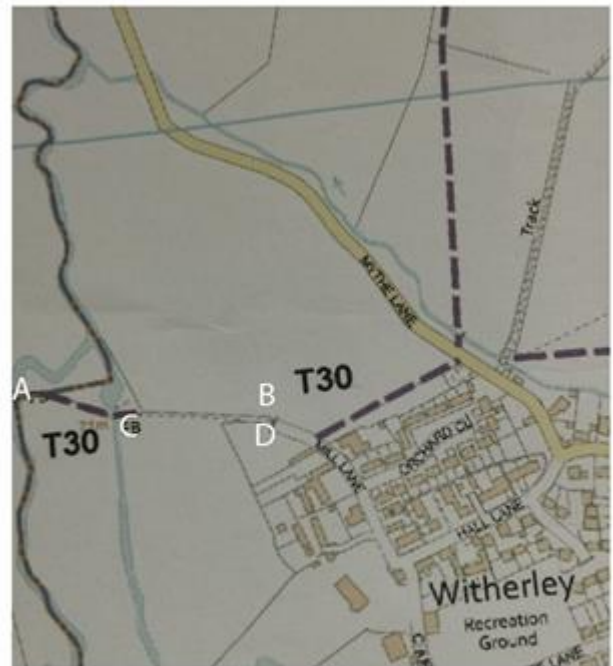
We wish to submit evidence that this proposal would **not** provide users with an

accessible route to reduce travel on the strategic network because:

- There is no legal Public Right of Way
- The route is frequently under flood water and impassable



Monday, 11 December 2023 - Area of wetland viewed from footbridge near Riverside Road, Atherstone (A) towards Mill Lane, Witherley (B) frequently rendered impassable by flood water



Section of LCC PRoW definitive map to evidence the area of track between T30 (C) and Mill Lane (D) where there is no PRoW.

A contribution to provide cycle parking at Atherstone train station is a proposed condition agreed by National Highways but does not take account that there are no safe cycle routes out of the proposed housing development to reach the train station.

Improvements to PRoW T28 and T27 are proposed to provide a footway between Witherley and Fenny Drayton. Fenny Drayton is a hamlet having no shops or key services and few employment opportunities. Upon arrival in Fenny Drayton, there are no access points for pedestrians or cyclists to be able to reach a wider network.

Accident data for 2022 has not been a consideration in assessments of road safety.

A Witherley Resident requested WANA share this photograph to illustrate dangers at Kennel Lane Junction. The Sweet family's accident occurred there in October 2022.

Just saw your post on Witherley page.

I think if you showed the photos of our car crash last year, that sums up that horrendous junction!



Please find a link to a presentation filmed on Thursday, 7 December which illustrates both the constraints and the dangers of the junction at Kennel Lane Witherley. The dangers are exacerbated by continual problems with flooding on Mythe Lane in particular and Atterton Lane.

https://drive.google.com/file/d/1KgHqHAwhd_8RTZSpNTLdiA9ee15wGUMG/view

Hinckley Hub • Rugby Road • Hinckley • Leicestershire • LE10 0FR

Telephone 01455 238141 • MDX No 716429 • Fax 01455 251172 • www.hinckley-bosworth.gov.uk