

# **PLANNING COMMITTEE**

**Date: 25 OCTOBER 2023**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## SCHEDULE OF COMMITTEE UPDATES

**190111 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 120 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM THE A44. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS. AT LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE,**

**For: Gladman Developments Ltd per Gladman Developments Ltd, Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB**

### ADDITIONAL REPRESENTATIONS

1 additional representation has been received objecting to the application. The comments can be summarised as follows; -

- Grassed strip of land relied up for footway widening purposes on A44 adjacent to the rear of properties on Broxash Close is under control of respective property owner by virtue of adverse possession.
- With the above in mind, the require notice has not been served on the owner of this land (including any other owner 1 – 11 Broxash Close).

A Members Briefing document was sent to Officers via email on 23 October 2023. This is attached at **Appendix 1**. It does not introduce any new matters which have not already been considered and therefore officers do not offer a direct response to this.

### OFFICER COMMENTS

Having consulted with the relevant specialists, officers can advise that the Local Highway Authority have visit the site to measure on the ground and it is confirmed as being highway land (also evidenced by the fact a highway sign has been erected adjacent to the steps constructed by residents of Broxash Close. Adverse possession cannot be claimed for highway land so the steps are considered an illegal structure in the highway.

### CHANGE TO RECOMMENDATION

Omission of 'either' from the recommendation. The recommendation is therefore update to the following;

**That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions or amendments to conditions considered necessary:**