

6 DCSE2006/1979/F - NEW HIGHWAY ACCESS AS CONSTRUCTED TO TECHNICAL APPROVAL AND VARIATION OF CONDITION NO. 5 OF SE2004/2155/O. LAND TO THE REAR OF ROYAL ARMS PUBLIC HOUSE, LLANGROVE, ROSS-ON-WYE, HR9 6EZ.

For: M F Freeman per James Spreckley, Brinsop House, Brinsop, Herefordshire, HR4 7AS.

Date Received: 13th June, 2006 Ward: Llangarron Grid Ref: 52416, 19325

Expiry Date: 8th August, 2006

Local Member: Councillor Mrs J.A. Hyde

1. Site Description and Proposal

- 1.1 Outline planning permission (DCSE2004/2155/O) was granted in August 2004 for residential development of 6 houses and vehicular access on land at the rear of the Royal Arms Inn and Royal Arms Cottage in Llangrove. The permission was subject to a condition (no. 5) requiring provision of a visibility splay:

“Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.”

The new access would be to the east of the Royal Arms Inn, replacing the car park. A new car park would be formed at the rear of the public house. As part of the visibility splay at this access would be across the adjoining property (a dwellinghouse, Hazelnut Cottage) the condition is in negative form.

- 1.2 Reserved matters approval (DCSE2006/3603/RM) was granted subsequently. The development is now completed, and some houses appear to be occupied. The new access is in place and works aimed to achieve the 2m x 33m splay have been carried out. These include widening the carriageway on the north side with new kerbing and white lines painted in the carriageway to define its edge. However, the latter are forward of the carriageway edge and the Transport Manager has advised that the required splay has not been achieved. This is primarily because to the east of the site the splay is within the curtilage of Hazelnut Cottage. A 1m wooden board has been installed and a conifer(s) have been planted within that property and close to the highway.
- 1.3 The current application seeks to vary the condition so that the access with its existing visibility splays is authorised.
- 1.4 The site of this residential development was formerly part of a field extending to the east of Llangrove Cottage (a farmhouse). The eastern half of the field, to the rear of

Hazelnut Cottage, was also the subject of planning applications for residential development (DCSE2004/1949/O and DCSE2005/1118/O) and these outline permissions remain extant. A similar condition to that in paragraph 1.1 above was imposed, as part of the visibility splay of the new access for the Hazelnut Cottage development would be over land within the Royal Arms development site.

2. Policies

2.1 Planning Policy Guidance

PPG.3	-	Housing
PPG.13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy H16A	-	Housing in Rural Areas
Policy H.18	-	Residential Development in Rural Settlements

2.3 South Herefordshire District Local Plan

Policy SH.6	-	Housing Development in Larger Villages
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy T.3	-	Highway Safety Requirements
Policy GD.1	-	General Development Criteria

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H.6	-	Housing in Smaller Settlements
Policy H.13	-	Sustainable Residential Design
Policy T.8	-	Road Hierarchy
Policy T.11	-	Parking Provision

3. Planning History

31.	SE2003/1765/O	6 detached houses and vehicular access	-	Withdrawn 18.05.04
	DCSE2004/2155/O	6 detached houses and vehicular access	-	Approved 08.10.04
	DCSE2004/3603/RM	6 detached houses and vehicular access	-	Approved 18.4.05
	DCSE2005/1945/F	Variation of condition no. 5	-	Withdrawn 08.08.05
	DCSE2006/0581/F	New highway access	-	Withdrawn 27.06.06

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager: It is considered that it would be unreasonable to recommend refusal. The original approved visibility is not achievable within the application site and third party land is required. It is requested that details are submitted indicating that a 2 metre wide area of clear visibility is to be provided and maintained at the back of the new kerb line eastwards from the access to the site boundary.

5. Representations

- 5.1 The applicant's agent confirms that the submitted drawing (04-12-03 05D) is as constructed and surveyed on site and in accordance with the technical approval of the Senior Engineer (Highway Adoption) dated 23rd January, 2006.
- 5.2 Llangarron Parish Council object to this application on the grounds that the Plan is inaccurate and does not represent what has been constructed on the ground. The visibility splays are inadequate and do not comply with the conditions of the original planning consent.
- 5.3 Two letters have been received from the agent representing Hazelnut Cottage. The following points are made:-
- survey plan is incorrect in a crucial way: a fence and tree along the eastern boundary with Hazelnut Cottage are not included
 - consequently splay does not exceed 2m x 18 - significantly less than minimum required by highway officer
 - plan must therefore be corrected - duty of Council to ensure that plans presented to Committee are accurate
 - how is condition no. 5 to be varied?
 - if seek to regularise current situation this would be unacceptable to highway officer - permission refused for relaxation of 2m x 33m splay at Hazelnut Cottage on grounds that minimum requirement for highway safety
 - existing splay falls well short of that minimum and no highway reason to grant permission
 - access geometry is irrelevant to issue of visibility splay
 - assumption may be made that Hazelnut Cottage development with its splay will eventually be developed but this can only take place if the equivalent condition is relaxed - latter should be done before the current Royal Arms application is determined
 - Hazelnut Cottage's owners are making every effort to resolve this unsatisfactory highway situation but no pressure on Royal Arms developer to resolve matters by entering into an agreement - from which former seeks no financial benefit.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The condition is considered to meet the tests set out in Government Circular 13/95. In particular the condition is necessary for highway safety and for a planning purpose, related to the development, precise, enforceable and in other respects reasonable. Although it involves land not in the applicant's ownership this is not normally grounds to refuse permission. Indeed, none of the application site was in the applicant's ownership at the time the outline application was submitted. The negative or

Grampian wording has been accepted by the Courts as appropriate in these circumstances.

6.2 Visibility to the west is approximately in accordance with the requirements of the condition. Visibility to the east is affected by the 1m high board and the recently planted tree. However as the highway rises from the eastern boundary to the new access the board does not significantly obstruct views. A driver seeking to enter the highway can see over the top of the board and the effect is not dissimilar to an obstruction of only 0.6m high, which is allowed by this condition. At present the conifer does not obscure the view. For these reasons the Traffic Manager advises that he does not object to the variation of the condition to authorise the existing access.

6.3 In the longer term it would be critical for the full splay to be achieved and maintained. This would be the case if the development at Hazelnut Cottage were to go ahead as providing the new access would ensure full visibility at the Royal Arms access. Similarly if the latter provided the required splay, this would partially facilitate the appropriate access at Hazelnut Cottage. The Traffic Manager recommends that a 2m verge be provided at the Royal Arms between the new access and the boundary with Hazelnut Cottage. If this were to be provided it would mean that there was no impediment (as far as the access was concerned) to development at Hazelnut Cottage. It is reasonable to assume that the development will go ahead within the lifetime of the current permission because the developer is aware that the permission might not be renewed if it lapsed. On this basis a sub-standard access would be authorised but with the expectation that this would be for a limited period and the full splay would be implemented once development on the adjoining site commenced.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. Within 2 months of the date of this decision a 2m verge shall be provided at the rear of the carriageway and between the new access and the boundary with Hazelnut Cottage. Nothing shall be planted, erected and/or allowed to grow on the verge which obstruct visibility over the adjoining highway.**

Reason: In the interests of highway safety.

- 2. G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 3. G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

Informative(s):

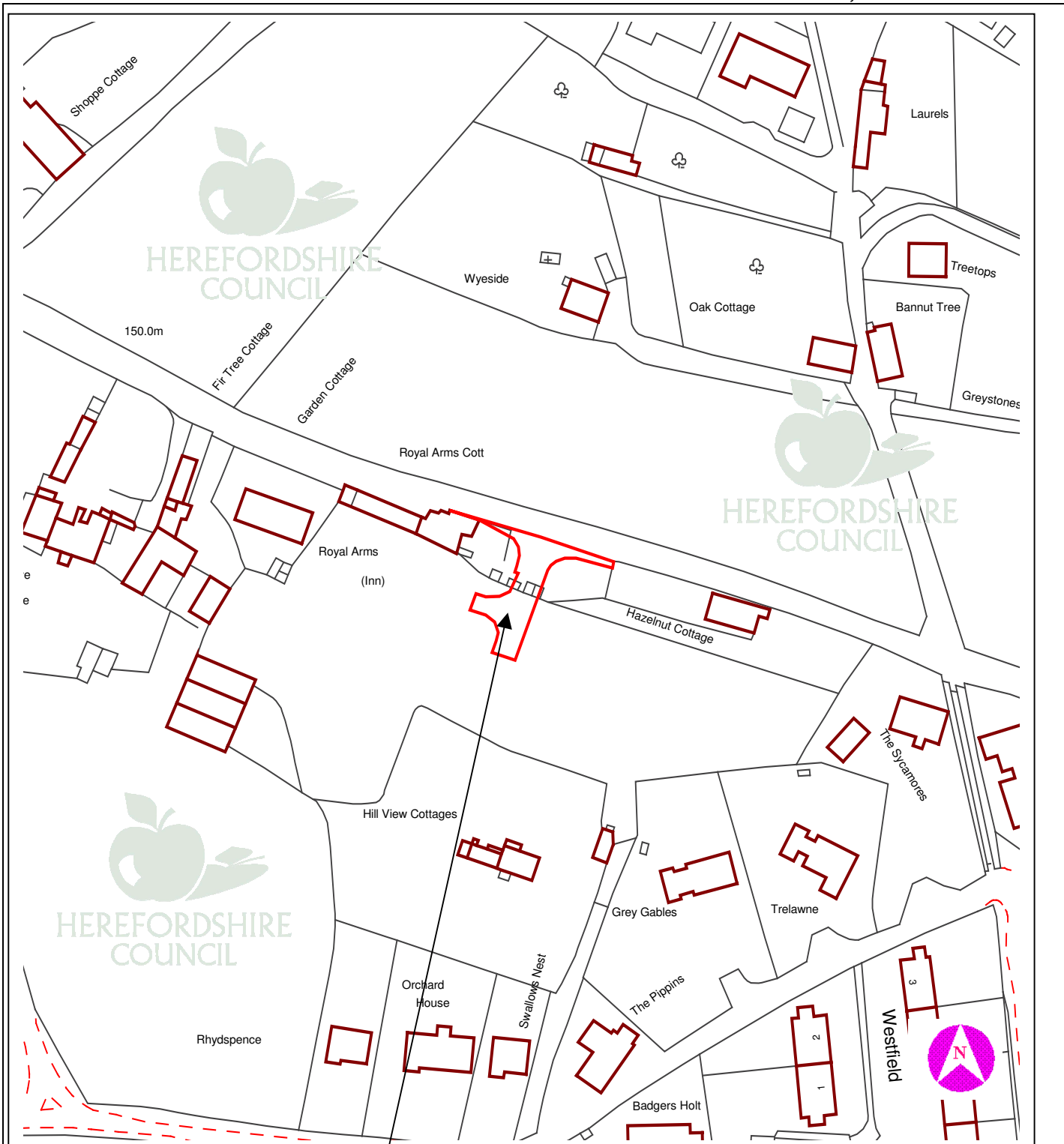
- 1. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/1979/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Royal Arms Public House, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ

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